Miscellanea Parliamentaria:

CONTAINING

PRESIDENTS

1. Of Freedom from *Arrests.*
2. Of *Censures.*

1. Upon such as have wrote *Books* to the dishonour of the *Lords* or *Commons*, or to alter the *Constitution* of the *Government.*
2. Upon *Members* for *Misdemeanours.*
3. Upon persons *not* Members, for *Contempts* and *Misdemeanours.*
4. For *Misdemeanours* in *Elections.*

Besides other Presidents and Orders of a various Nature, both of the House of *Lords* and *Commons.*

With an APPENDIX,

Containing several Instances wherein the Kings of *England* have consulted and advised with their *Parliaments,*

1. In *Marriages.*
2. *Peace* and *War.*
3. *Leagues.*

And other Weighty Affairs of the Kingdom.

By *William Petyt* of the *Inner-Temple*, Esq;

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3/4/53

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TO

William Williams Esq;

SPEAKER

OF THE

HONOURABLE

HOUSE

OF

Commons.

The AUTHOR

Humbly Dedicates these his

Miscellanea Parliamentaria.

TO

THE

SPEAKER

OF THE

HOUSE

OF

COMMONS,

The AUTHOR

Humbly Dedicates this his

Impartial Performance.

THE

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THE

THE PREFACE.

I Have seen, saith *Stephen Gardiner*, (who was Dr. of Laws, *Bishop* of *Winchester*, and after *Lord Chancellour* of *England*,) the *Councel* much *astonished*, when the *King* would have *done* somewhat *against* an *Act* of *Parliament*, *It* was made then a *great matter*. The *Lord Cromwel* had once *put* in the *Kings* (our late Sovereign Lords) *Head*, to take upon Him *to have His Will and Pleasure regarded for a Law*, for *that*, he said, was to be a *very King*, and thereupon *I* was call'd for at *Hampton-Court*; and as the *Lord Cromwel* was very *Stout*; come on my *Lord* of *Winchester*, (quoth he,) for that *conceit* he had whatsoever he talked with me, he *knew* ever as much as I, *Greek*, or *Latine*, and all.

Apud Foxum vol. 2. col. 3. & 4

The Bishop of *Winchester's* Letter to the Duke of *Somerset*, Protector to *E.* 6.

Plutarchus *lib.* cum Principibus Philosophos debere disputare. Qui semper *corrumpunt* principes, *Reges* ac Tyrannos, nempe Delatores Criminatores, & *Adulatores*, ab omnibus exiguntur, puniunturq; ut qui non in unum Cæsarem lethale venenum mittant, sed in fontem publicitus scatentem, & quo vident omnes uti. Quemadmodum non uno supplicio dignus est, qui fontem publicum, unde bibant omnes, *veneno* infecit ita nocentissimus est, qui principis *animum* pravis infecerit opinionibus, quæ mox in *tot* hominum *perniciem* redundent. *Nam* si capite plectitur, qui principis monetam vitiarit, *quanto* dignior est eo supplicio, qui *principis* ingenium corruperit.

Answer the *King* here, (quoth he) but speak *plainly* and *directly*, and *shrink* not man: *Is not that* (quoth he,) *that pleaseth the King, a Law?* Have ye not the *Civil-Law therein?* (quoth he) *Quod principi placuit*, and so forth, (quoth he,) I have somewhat forgotten it now: I *stood* still, and *wondered* in my *Mind*, to what *Conclusion* this should tend; The *King* saw me musing, and with earnest gentleness said, *Answer* him whether it be so or no? I would not answer my *Lord Cromwel*, but delivered my Speech to the *King*, and told him, *I had read indeed of Kings that had their Will always received for a Law*; but I told him the *Form* of his Reign, to *make* the *Laws* his *Will*, was more *sure* and *quiet*, and by this Form of Government ye be *established* (quoth I,) and it is agreeable with the *Nature* of your *People*; If ye begin a *new* manner of *Policy*, how it will frame no man can *tell*, and how this

Osorius *lib.* 5. de Regis institutione, Occurrit alia *adulatorum* turba prudentiæ nomine commendata qui utse in gratiam Regum *insinuent* illis persuadent *eos esse supra leges (& post aliqua.) Nunquam* in Regnis & Civitatibus homines *scelerati* defuerunt, nec *hodie* desunt qui *principis* erroribus turbulentis inficiant, quibus illi quidem annumerandi sunt, qui *cum se jure consultos existimari velint* Regibus persuadent illos omnino *solutos* esse *legibus*:

fra-

frameth ye can *tell*, and *would never advise your Grace to leave a certain for an uncertain*. The *King* turned his Back, and left the matter after; till the *Lord Cromwel* turn'd the *Cat* in the *Pan*, afore Company, when he was angry with me, and charged me as though I had played his part. This *Tale* is *true*, and not without *purpose* to be *remembred*.

So far the Bishops Letter.

And from it, and other passages in History, I *shall raise* four Observations.

That it was a general *Rule* and *Principle* in most great *Ministers* of State; or, as the old Word was, *Minions* to *flatter* and *poison* Princes minds with *Absolute* and *Despotical* Power; not for the Honour, or good of the Crown, for that can never be; but for their *particular* Advantages, that Themselves might *Reign*, and be *Sovereigns* over their *Masters*; And indeed, not only of our own Country, but of others: *Historians* are full of the sad and woful Effects thereof in most Ages; which makes me frequently revolve the melancholly Contemplation of *Cardan*; *Observ.* 1.

Inter sures scurras adulatores, constitutus est princeps a furibus bona diripiuntur, a scurris mores corrumpuntuh, & Cardan lib. de utilitate ex adversis capienda cap. de Principis Incommodis, p. 288.

ut quisq; melior est ex aula abigitur, ab adulatoribus veritas, summum inter mortales bonum, ablegatur, unde miseri principes propter has larvas, in Cimmeriis ignorantiæ tenebris perpetuo vivunt. O miseram principum sortem, qui nunquam norunt, quali in statu res suæ positæ sint, adeo vero dures principum emollitæ sunt, ut ad veritatis nomen tanquam ad Nili *cataractas obsurdescant.*

Observ. 2. This *pessima gens humani generis* always *abhorred* a *Parliament*; and the *reason* thereof is *demonstrative*, because they well knew they should then be called to an impartial and strict *account*, and be *punished* according to their demerit: as *de facto* it appears, in the *Cases* of the Lord *Cromwel*, after Earl of *Essex*, and the *Protector*, the *Duke* of *Somerset*, (mentioned in the Bishop's Letter,) that they were questioned in Parliament; although possibly the proceedings *therein against* them were managed with too much *Violence* and *artifice*, by the *malice* and *policy* of their *Enemies*.

And no man, in all points, can justifie the *acts* of all *Councels*, whether *Ecclesiastical* or *Civil*.

Rot. Parl. 32. H 8. Act 60. The Attainder of the L. *Cromwel*

The *first* was *attainted* of High-Treason, in the Parliament, 32. *H.* 8. amongst other Crimes.

1. For

1. For *Usurping* upon the Kingly Estate, Power, Authority, and Office.
2. For having the Nobles of the Realm in great disdain, derision and detestation.
3. And further also, being a person of poor and low degree, as few were within the Realm pretended to have so great a stroke about the King, that he lett it not, to say, publish and declare,

That he was sure of the King; which was detestable and to be abhorred amongst all *good* Subjects in a *Christian* Realm, that *any* Subject should *enterprize* to take upon *him* so to speak of his Sovereign, Leige, Lord, and *King*.

A dangerous Boast of any one Minister.

The *second* was in the *Parliament*, 3 and 4 *E.* 6. Fined and Ransomed amongst other Offences.

Actus Parl. An 3, and 4. *E.* 6. no. 31. An Act touching the Fine and Ransome of the Duke of *Somerset*.

1. For *desiring* the Rule, Authority and Government of the *King* and *Realm* by himself *only*, and getting the *Protectorship*.
2. That by his own Authority he did *stay* and lett *Justice*, and subverted the Laws as well by *Letters Patents*, as by his other *Commandments*.
3. He *rebuked*, *checked* and *taunted*

as well privately as openly, *divers* of the *Privy Counsel*, for shewing and declaring their *advices* and opinions against his *purpose* in *weighty* Affairs, telling *them* they were unworthy to *sit* in Councel: That he *needed* not to open matters to them, and that he would be otherwise *advised* thereafter; and if they agreed not with his *Opinion*, he would put them out, and take in others at his *Pleasure*.

4. That he had *held*, against the Kings *Laws*, in his own *House* a *Court* of *Requests*, and forced divers to answer for their *Free-holds* and *Goods*, to the *subversion* of the *Law*.

5. That he had, without *Advice* of the *Counsel*, disposed of *Offices* for *Money*.

6. That he would not suffer *New-haven* and *Blackness* to be *furnished* with *Men* and *Victuals*, although *advertized* of their *defects*; whereby the *French* King was comforted and encouraged to invade and win them, to the dishonour of the Realm.

7. And whereas the *Privy-Counsel* had out of their *Love* and *Zeal* for the *King* and *Realm*, consulted at *London* to come to the *Duke*, to move him charitably to *amend*, and *reform* his

his *Doings* and *Miſ-government*; he cauſed to be declared, (by *Letters* in divers places,) the *Lords* to be *High-Traytors*, to the great diſturbance of the *Realm*; And further *declared*, That the *Lords* endeavoured to *deſtroy* the *King*, to the *intent* to make *Sedition* and *Diſcord* between the *King* and *Lords*.

8. The *Duke*, at *Hampton-Court* and *Windſor*, declared theſe *Speeches*, *The Counſel at* London *do intend to kill me*; But if I *die*, *the King ſhall die with me*; and if they *famiſh me*, they ſhall *famiſh* the *King*; and ſo conveyed the *King* ſuddenly in the *Night* to *Windſor*, whereby he got a *Diſeaſe*,

9. He *aſſembled* great *numbers* in *Arms*, and after, minding to fly to *Jerſey* or *Wales*, laid Poſt-Horſes about, and Men for the ſame *Intent*.

All which Offences and Crimes the ſaid Duke acknowledged, and ſubmitted himſelf to the King: After which paſſed the Act; That for his ſaid Offences and Crimes he ſhould forfeit a great many Manors, which the Crown had given him:

A remarkable Inſtance how Dangerous it is for one ſingle Miniſter to have a Monopoly of the King.

To bring it to the Relation made by the Biſhop, *not without purpoſe to be remembred*

membred how *dangerous* a thing it was to *break* the *Law*, or an *Act of Parliament*. The Biſhop thus further expreſſeth in the ſame Letter.

Obſerv. 3. Apud Foxum, vol. 2. *Stephen Gardiner* Biſhop of *Winchester*, his Letter to the D. of *Somerſet*, Protector to E. 6.

Now whether the *King* may command againſt an *Act* of *Parliament*, and what danger they may *fall* in that *break* a *Law* with the *King*'s conſent, I *dare* ſay no man alive at this day hath had more experience with the *Judges* and *Lawyers* then *I*; Firſt I had *experience* in my old *Maſter* the *Cardinal*, who *obtained* his *Legacy* by our *late* Sovereign Lord's *requeſt* at *Rome*, and in his ſight and knowledge, occupied the ſame with his 2 *Croſſes* and *Maces* born before him *many* years; *yet* becauſe it was *againſt* the *Laws* of the *Realm*, the *Judges* concluded it the *Offence* of the *premunire*, which concluſion I bare away, and take it for a *Law* of the *Realm*, becauſe the *Lawyers* ſo ſaid, *but my* reaſon digeſted it not. The Lawyers, for *confirmation* of their doings, brought in a Caſe of the *Lord Tiptoft*, as I remember, a *jolly Civilian*; he was *Chancellor* to the *King*, who (becauſe in the *execution* of the King's *Commiſſion* he had *offended* the *Laws* of the Realm,) he *ſuffered* on *Tower-Hill*,) they brought in *Examples* of

of *many* Judges that had *Fines* ſet on their *Heads* in like Caſe, for doing *againſt* the *Law of the Realm* by the *King*'s Commandment, and then was brought in the Judges *Oath*, not to *ſtay* any *Proceſs* or *Judgment* for any *Commandment* from the *King*'s Majeſty: And *one Article* againſt my *Lord* Cardinal was, That he had granted *Injunctions* to ſtay the Common-*Law*, and upon that occaſion Magna Charta was ſpoken of, and it was made a great matter, the ſtay of the Common-Law; and this I learned in that Caſe, ſithence that time being of the *Counſel*, when many *Proclamations* were deviſed againſt the Carriers out of Corn; at ſuch time as the Tranſgreſſors ſhould be puniſhed, the *Judges* would *anſwer* it might *not* be by the *Laws*; whereupon enſued the *Act* of *Proclamation*, in the paſſing of which Act many liberal Words were ſpoken, and a plain Proviſo, That by Authority of the Act for Proclamation, nothing ſhould be *made* contrary to an *Act* of *Parliament*, or *Common-Law*.

Coke 4. Inſt fo. 89. Ld. *Herbert* Hiſt. of *H.* 8.

Raſt. Stat. 31. *H.* 8. cap. 8.

When the *Biſhop* of *Exeter* and his *Chancellour* were by one *Body* brought in a *præmunire*, (which my Lord Privy-Seal cannot forget) I reaſon'd with the *Lord*

Lord Audley, then *Chancellor*, ſo far, as he bad me hold my peace, for fear of entring into a *præmunire* my ſelf; whereupon I ſtayed, but concluded it ſeemed to me ſtrange, that a man authorized by the King, (as ſince the King's Majeſty hath taken upon Him the Supremacy, every Biſhop is ſuch a one,) could fall in a *præmunire*, *after I had reaſon'd the matter once in the Parliament-Houſe, where was* free Speech *without danger*, and there the Lord *Audley*, to ſatisfie me familiarly (becauſe I was in ſome ſecret eſtimation, as he then knew,) Thou art *a good fellow*, Biſhop, quoth he, (which was the manner of his familiar Speech) look the Act of Supremacy, and there the King's doings be reſtrained to ſpiritual Juriſdictious: And in another *Act* it is provided, That no ſpiritual Law ſhall have place *contrary* to a *common* Law, or *Act* of Parliament; And if this were not, (quoth he) you *Biſhops* would *enter* in with the *King*, and, by means of his *Supremacy*, order the *Laity* as *ye* liſted; but we will provide (quoth he,) that *præmunire* ſhall ever hang over your Heads, and ſo we *Lay-men* ſhall be ſure to enjoy our *Inheritance*, by the *Common* Laws, and Acts of *Parliament*.

My

My fourth Obſervation is this,

Obſerv. 4. It had been well for the *Protector* to have *remembred* the *good* and wholſom *Advice* the *Biſhop* gave him: that great Man had not *loſt* his *Head*; for being indicted in *Michaelmas*-Term, 5. E. 6. upon a Statute made 3 and 4 of that King, *For the puniſhment of unlawful Aſſemblies, and raiſing of the Kings Subjects*: And one of the main points in the indictment, was that *Felonice* he deſigned to *take* and *impriſon John* Earl of *Warwick*, being *one* of the *Privy Council*; of which he was found guilty by his Peers, and after ſuffered Death thereupon.

Raſtal's 3, and 4. E. 6. cap 5

Coke 3. Inſt. fo. 12.

To conclude whoſe ſad Fate, I ſhall add the Preamble of an Act of Parliament, more memorable, becauſe in a *Subſidy* Act; yet common in that, and former, and ſucceeding Ages, as may appear. For inſtances, *Rot. Parl.* 4. *H.* 8. and by *Raſtals* Statutes, 35. *H.* 8. cap. 12, 27. 2, and 3. E. 6. cap. 26. 5. *Eliz.* cap. 27. 8. *Eliz.* cap. 18. 23. *Eliz.* cap. 15. 29. *Eliz.* cap. 8. 31. *Eliz.* cap. 15. 35. *Eliz.* cap. 13. 39. *Eliz.* cap. 27. 43. *Eliz.* cap. 18. and 3. *Jacobi*, cap. 26. wherein the State of the Kingdom, both *Eccleſiaſtical* and *Civil*,

vil, and the *Tranſactions* of *Foreign* Affairs are Hiſtorically ſet down, and taken notice of by the *Parliament*, and inſerted into the Preambles of thoſe Acts.

An ACT for the Grant of a Subſidy, and two Fifteens and Tenths, granted to the King's Majeſty, by the Temporality.

Raſtals Stat. 7. *Ed.* 6. *cap.* 12.

WE the Kings Highneſs's moſt Faithful and Obedient Subjects, the Lords and Commons in this preſent Parliament aſſembled; Conſidering, and certainly perceiving, by divers means, the earneſt Good-will and Purpoſe that our ſaid Sovereign Lord hath to preſerve, maintain and continue Us, his Natural Subjects, in this moſt Fortunate Peace, whereunto, after many Stozms and Tempeſts of the Wars, His Majeſty hath, by the Goodneſs of God reſtozed Us; Do alſo, notwithſtanding his Majeſties great Care, and politick Means uſed for the recovery thereof, eaſily perceive how hard it ſhall be for His Highneſs to continue and keep us therein, during the time of

of this troublesom state of Christendom, being, as it were, lamentably cut, and torn in pieces, and Factions of War, except his Highnes be restored to a further Estate and Furniture of Treasure, meet for the Defence of these His Realms, Dominions, And Subjects, and like to other Princes, having such large Realms, Dominions and People; the lack and want whereof, (as we know) shall chiefly redound to all our Losses and Detriments, which must be defended and preserved by the Puissant Power and Might of our Sovereign Lord and Head, not by the multitude of our private Riches and Strength at Home.

So also have We seen, of late years, plainly before Our Eyes, and felt in a great part of Our sorrowful hearts, the very Principal, Chief, and first Causes of this lack, during the time of the woful mis-governance of this Noble Realm, and other the King's Dominions, by the late Protector, Duke of Somerset (to whom Almighty God grant his Mercy,) who first of his insatiate ambition, contrary to the advices of all Wise and Good Councellors, having gotten into his hands

the

the sole Governance of the most Sacred Person of our Sovereign Lord, and consequently, the Protectorship of all his Highnes's Realms and Dominions, immediately to lay a fit Foundation for his unhappy and unskilful Government, brought the King's Majesty (whom he took by pretence to Govern, being left by His Highnes's Father, of most Famous Memory, in tender Years, (but yet in Peace) suddenly into open Hostility and Wars against two puissant Realms at once, considering neither the Ability to begin, nor means to continue them; wherein, following always his own singularity, by stirring and increasing of new Quarrels and Causes of War, by unadvised Invasions, by desperate Enterprises and Voyages, by sumptuous, endless, vain Fortifications, both in Foreign Realms, and in the Seas, by bringing into the Realm of costly, and great numbers of Strangers, Men of War, and such other innumerable vain Devices, he did not only Exhaust, and utterly Waste the King's Majestie's Treasures and Revenues of His Crown, and of Us His Highnes's Subjects, but also endangered His Majestie's Credit be-

yond

yond the Seas with divers strange Merchants, by taking up, and borrowing great Sums of Money, growing from time to time more and more indurable: which Gate of Misery being so wide open, We all know, and the best part of Us felt, what a heap of Calamities fell upon all the Realm immediately; Yea, and to this day what Pests and Memory thereof remaineth not wholly yet filled up.

First, the King's Majesties Treasure of all sorts wasted, the great substance of the Moneys melted, and altered in base Coyn, for the serving of the Charge of these Wars, the Laws and ancient Policies of this noble Realm dissolved and unjoyned, and by Examples thereof, the whole state of Ireland endangered, with Factions and Rebellions, wherein no small Sums of Treasure were also wasted in Armies and Fortifications, part whereof remains unto this day of necessity. In the midst of all these miseries, by the suffering of the said late Protector, rose up a monstrous and dangerous Rebellion of the lewd numbers, and baser multitudes against their Heads; the withstanding and happy stay whereof, although it came through the merci-

mercifulnels of God, by the labour and fortitude of others, worthy eternal Praile, subduing the headlels raging people in sundry parts of the Realm, delivering Us, the King's Majesties Natural Subjects, out of our unnatural Subjection to him that ruled Us with disorder, And finally, restoring the Royal Person of the King's Highnels to the Frædom of His Princely Estate, and consequently to an Honourable Peace with his Enemies.

Yet could not, hitherto, the great Breach and Ruine of the King's Majestie's Estate, touching his Treasure, be repaired or re-enforced; which consequently followed upon the first Foundations broken; although in other points of the decay (thanked be God) the King's Majesties own marvellous Intelligence, with the Industry of good Conncellors, hath notably supplied, and amended the defaults.

And as these former Errors brought His Majesty into utter wasts of His own Treasure and Riches into the Expences of Our Subsidies, granted for the same Wars, though nothing answerable to the Expence of the same;

Finally

Finally, into notable and immeasurable Charges beyond the Seas, Provisions of Money taken up in time of Wars; so yet, to the increase of this former sore, We remember and perceive also, that there were very great Charges left by the late King of famous Memory, by reason of his Wars, to be discharged, as well beyond Sea towards strangers, as on this side towards his own Subjects; which of their nature beyond the Seas for lack of payment did grow excessively, besides the late evident great Charge and Loss sustained by the Kings Majesty for the only Profit of His publick Weal, in the reducing of part of His Coyn from a notable baseness unto a fine Standard; by the which His Majesty lacketh a great private Gain in his Mints, being now worth no Revenue at all, but rather chargable; and the rest of which Coyn we trust He will shortly reduce to like fineness.

All which things We His Majesties Faithful, and natural Loving Subjects, weighing with Our selves, and considering divers great weighty matters hereupon depending, for the preservation of this Ancient, Noble, and Imperial Crown.

Albeit We see manifestly before Our Eyes, Our Sovereign Lord the Kings Majesty disposed of His good Nature rather daily to diminish the Revenue of His Crown, lately augmented by His Father of most famous Memory, towards the unburthening of His great intollerable Weights and Charges, lying and growing in strangers hands beyond the Seas, then to call upon us His natural Subjects and People; like as we daily hear and know that all other most Christian Princes do, in Causes of less Importance, and like His Majesties noble Progenitors, have always done in such Cases heretofore.

Yet for the preservation of Our selves and Our Posterity in this Peace and Wealth whereunto We have by the great Charges of Our Sovereign Lord been blessed, brought, for the maintenance and upholding of the Crown and Dignity Imperial of this Noble Realm, in Honour and Might against all Attempts of Foreign and Ancient Enemies, for the Restauration of this decayed House of the Commonwealth, having suffer'd violation and ruine, by exile of Justice in the former time of the aforesaid evil Governance. For the com-

comforting and encouraging of our most Christian King in His blessed and famous Purposes and Proceedings, to the establishing both of true Christian Religion, in this His Church of *England* and *Ireland*, and of a Christian Policy in the civil State of the same, &c. and after they granted the Subsidies.

It is far from my thoughts to delight in raking into the *misfortunes* of *any*, much less of *great* men; but in all Ages it hath been *allowed* to publish the *Memoirs* of *ill* men, to the intent to *deter* Posterity from acting and committing such *Crimes* and *Offences*, which we find were severely punished both by *God* and *Men*.

And whoever will take the pains to run over the *ancient* Historians and *Records* of the Kingdom, will *find* that the *Troubles* in *Richard* the 1st's time, the Barons Wars, the Confusions in *E.* 2*d*'s time, the woful Distractions in the Reign of *R.* 2. and *H.* 6. had their *source* and *rise* from one *grand* Cause, the *extravigant* and *insufferable* Dominion and Power *of Minions* or *Favourites*, with their Partisans, which K. *James* rightly calls *Pests* and *Vipers* of a *Commonwealth*; who, notwithstanding their

spetious glosses and *pretences* of *Loyalty* to the *Crown*, rather then suffer themselves to be questioned and punished by Law for their Arbitrary and Illegal Acts, *Resolved* to *run* the hazard of, and *see* the ruine and destruction both of *Prince* and *People*.

Out of a Paper in the hands of my good Friend Mr. *John Rawley*, a Worthy Citizen of *London*, Nephew and Executor to Dr. *Rawley*, first and last Chaplain to the L. *Bacon*.

My Lord *Bacon*, after he was *Sentenced* in *Parliament*, meeting with Sir *Lionel Cranfield*, after Earl of *Middlesex*, whom King *James* had then newly made *Lord Treasurer*. My Lord *Bacon*, having first congratulated his advancement to so Eminent a Place of Honour and Trust, told him, between jest and earnest, That he would *recommend* to his *Lordship*, and in *him* to all *other* great *Officers* of the *Crown*, one *considerable Rule* to be carefully observed, which was, to

My Lord *Bacons* Memento.

Remember a Parliament will come.

I do not believe that his *Lordship* had the *Spirit* of *Divination*. But *certain* it is, that two years after, in the *Parliament* 21. and 22. of that *King*, the *Commons* Impeached the *Earl*, for what, and what the Judgement was thereupon, hear the Record.

Mes-

Meſſuage ſent to the *Commons* by Mr. Serjeant *Crew*, and Mr. *Attorney General*, viz.

Ex Journali Domus Procerum, Annis 21, and 22. *Jacobi* Regis.

That the Lords are now ready to give Judgment *againſt the Lord Treaſurer, if* they, *with their* Speaker *will come, and* demand *the* ſame.

Anſwered,

They will attend preſently:

The *Lords* being all in their *Robes*, the Lord *Treaſurer* was brought to the *Bar* by the Gentleman Uſher and the Serjeant at Arms, his *Lordſhip* made low *obeyſance*, and *kneeled*, until the Lord Keeper willed him to ſtand up.

The *Commons* with their *Speaker* came, and the Serjeant attendant on the Speaker preſently put down his *Mace*. The *Speaker* in their Name, to this Effect, *viz.*

The Knights, Citizens *and* Burgeſſes *in this* Parliament *aſſembled, heretofore tranſmitted unto Your*

Your Lordſhips ſeveral Offences againſt the Right Honourable Lionel *Earl of* Middleſex, *Lord High Treaſurer of* England, *for* Bribery, Extortion, Oppreſſions, and other grievous Miſdemeanours, committed by his Lordſhip.

And now the Commons, *by me their* Speaker, demand Judgment *againſt him for the* ſame.

The Lord Keeper Anſwered.

The *High-Court* of *Parliament* doth *adjudge*,

1. That *Lionel Earl* of *Middleſex*, now *Lord Treaſurer* of *England*, ſhall *loſe* all his *Offices* which he holds in this *Kingdom*; and ſhall be made for *ever* uncapable of any *Office*, Place or Imployment in the *State*, and Commonwealth.
2. And that he ſhall be *Impriſoned* in the *Tower* of *London* during the Kings pleaſure.
3. And that he ſhall *pay* unto our Sovereign Lord the King the *Fine* of 50000 *l.*
4. And that he ſhall never ſit in *Parliament* more.
5. And that he ſhall *never* come within the Verge of the *Court*.

Or-

Ordered, *That the Kings Counsel draw a Bill (and preſent the ſame to the Houſe,) to make the Lands of the Earl of* Middleſex *liable unto his* Debts, *unto the Fine to the King, unto Accompts to the King hereafter, and to* Reſtitution to ſuch whom he had wronged, *as ſhall be allowed of by the Houſe.* 14 Maii 1624

This Bill after paſs'd unto a Law.

So that the familiar ſaying of my Lord *Coke* is very remarkable; *That no Subject, (though never ſo Potent and Subtile,) ever confronted or juſtled with the Law of* England, *but the ſame Law in the end infallibly broke his Neck.*

THE

THE CASE OF *George Ferrers*, Esq;

IN the Lent Season, whilst the Parliament yet continued, one *George Ferrers* Gent. Servant to the *King*, being elect a *Burgess* for the Town of *Plimouth*, in the County of *Devon*, in going to the *Parliament-house* was Arrested in *London* by a Process out of the *Kings-Bench*, at the Suit of one *White*, for the sum of two hundred Marks, or thereabouts, wherein he was late afore-condemned as a Surety for the

Cromptons Jurisdiction of Courts, p. 7, 8, 9, 10, 11. 34 H. 8. An. Dom. 1542. Breach of Priviledge.

Ferrers arrested going to the Parl. house.

Debt of one *Welden* of *Salisbury*; which Arreſt being ſignified by Sir *Thomas Moyle* Kt. then Speaker of the *Parliament*, and to the *Knights* and *Burgeſſes* there, order was taken that the *Serjeant* of the *Parliament*, called *S. J.* ſhould forthwith repair to the *Compter* in *Breadſtreet*, whither the ſaid *Ferrers* was carried, and there to demand delivery of the *Priſoner*. The *Serjeant*, as he had in charge, went to the *Compter*, and declared to the *Clerks* there, what he had in commandment: But they and other Officers of the City were ſo far from obeying the ſaid Commandment, as after many ſtout words, they forcibly reſiſted the ſaid *Serjeant*, whereof enſued a Fray within the *Compter-gates*, between the ſaid *Ferrers* and the ſaid *Officers*, not without hurt of either part; ſo that the *Serjeant* was driven to defend himſelf with his *Mace* of *Armes*, and had the *Crown* thereof broken by

The Serjeant of the Parliament ſent to the Compter for him.

And demands the Priſoner.

But the Officers deny him.

And aſſault the Serjeant.

Breaks the Crown of the Mace, & ſtrikes down his Man.

by bearing off a ſtroke, and his Man ſtrucken down. During this *Brawl* the Sheriffs of *London*, called *Rowland Hill* and *H. Suckley*, came thither, to whom the *Serjeant* complained of this injury, and required of them the delivery of the ſaid *Burgeſs* as afore: but they bearing with their Officers, made little account either of his *Complaint*, or of his *Meſſage*, *rejecting* the ſame *contemptuouſly*, with much proud *language*: So as the *Serjeant* was forced to return without the *Priſoner*, and finding the *Speaker* and all the *Knights* and *Burgeſſes* ſet in their places, declared unto them the whole *Cauſe* as it fell out; who took the ſame in ſo *ill part*, that *They* all together (of whom there was not a few as well of the *Kings Privy-Councel*, as alſo of his *Privy-Chamber*) would ſit no longer without their Burgeſs, but *roſe* up wholly, and repaired to the *Upper Houſe*, where the whole caſe was declared

Complains of it to the Sheriffs, and demands the Priſoner.

Who contemptuouſly reject the ſame.

The Serjeant returns and acquaints the Houſe.

Who highly reſent it.

red by the mouth of the *Speaker*, before Sir *T. Audley* Kt. then Lord Chancellor of *England*, and all the Lords and Judges there aſſembled; who judging the *Contempt* to be very great, *referred* the puniſhment thereof to the *Order* of the *Common Houſe*. They returning to their places again, upon new debate of the Caſe, took order that their *Serjeant* ſhould eftſoon repair to the Sheriffs of *London*, and require delivery of the ſaid Burgeſs, without any *Writ* or *Warrant* had for the ſame, but only as afore. Albeit the *Lord Chancellor* offered there to grant a Writ, which they of the Common Houſe refuſed, *being in a clear opinion that all Commandments and other Acts proceeding from the Nether Houſe, were to be done and executed by their Serjeant, without Writ, only by ſhew of his Mace, which was his warrant.* But before the *Serjeants* return into *London*, the *Sheriffs* having in-

It was ordinary for either Houſe, upon emergent occaſions, to give an account to each other, as in the time of *R. 2. H. 6. H. 8. E. 6.* & Queen *Mary*, the great Officers of State, as the Chancellor, Treaſurer, *&c.* went down to the Houſe of Commons to give them particular accounts.

The Ld. Chancellor in Parliament offers the Commons a Writ to deliver their Burgeſs, but they refuſe it, as being clear of opinion, that all their Commandments & Acts were to be done and executed by their Serjeant, without Writ.

intelligence how heinously the matter was taken, became somewhat more mild; so as upon the said second demand, they delivered the *Prisoner* without any *denial*. But the Serjeant having then further in commandment from those of the *Nether House*, charged the said Sheriffs to *appear personally* on the morrow by eight of the Clock, before the *Speaker* in the *Nether House*, and to bring thither the *Clerks* of the *Compter*, and such other of their *Officers* as were parties to the said affray; and in like manner to *take* into his custody the said *White*, *which wittingly procured the said Arrest, in contempt of the Priviledge of the Parliament*. Which Commandment being done by the said Serjeant accordingly, on the morrow the two Sheriffs, with one of the *Clerks* of the *Compter*, (which was the chief occasion of the said affray) together with the said *White*, appeared in the *Com-*

The Sheriffs ordered to appear, and bring with them the Clerks of the Compter.

And accordingly they did.

mon Houſe, where the *Speaker* charging them with their *Contempt* and miſdemeanour aforeſaid, they were compelled to make immediate Anſwer, without being admitted to any Councel: albeit Sir *Ro. Cholmley*, then Recorder of *London*, and other the *Councel* of the City there preſent, offered to ſpeak in the Cauſe, which were all put to ſilence, and none ſuffered to ſpeak but the parties themſelves. Whereupon in concluſion the ſaid *Sheriffs*, and the ſame *White*, were *committed* to the *Tower* of *London*, and the ſaid *Clerk* (which was the occaſion of the Fray) to a place there called *Little Eaſe*, and the Officer of *London* which did the Arreſt, called *Tailor*, with four Officers, to *Newgate*, where they remained from the 28. until the 31. of *March*, and then they were delivered, not without *humble ſuit* made by the *Mayor* of *London*, and other their Friends. And for-

Who are charged by the Speaker.

Being not admitted to any Councel.

The Sheriffs committed to the Tower.

The Clerk to Little Eaſe, and the Serjeants to Newgate.

All at laſt delivered upon the humble ſuit of the Mayor, and other their Friends.

foraſmuch as the ſaid *Ferrers* being in *Execution* upon a *Condemnation* of Debt, and ſet at large by *Priviledge* of *Parliament*, was not by *Law* to be brought again into *Execution*, and ſo the party without remedy for his Debt, as well againſt him, as his principal debtor; after long debate of the ſame, by the ſpace of nine or ten days together, at laſt they reſolved upon an Act of Parliament to be made, and to revive the *Execution* of the ſaid Debt againſt the ſaid *Welden*, which was principal debtor, and to diſcharge the ſaid *Ferrers*. But before this came to paſs, the *Common Houſe* was divided upon the Queſtion, but in the concluſion the Act paſſed for the ſaid *Ferrers*, who won by 14. Voices. The *King* then being advertized of all this *proceeding*, called immediately before him the *Lord Chancellor of England*, and his *Judges*, with the *Speaker* of the *Parliament*, and

The King takes notice of the proceedings.

other the *graveſt* perſons of the *Nether Houſe*, to whom he *declared* his *opinion* to this effect: First *commending* their *wiſdom* in *maintaining* the *Priviledges* of their *Houſe*, (*which he would not have to be infringed in any point*) alledged that he being *Head* of the *Parliament*, and attending in his own perſon upon the Buſineſs thereof, ought in reaſon to have *Priviledge* for *Him* and all his *Servants*, attending there upon *Him*; ſo that if the ſaid *Ferrers* had been no Burgeſs, but only his Servant, that in reſpect thereof he was to have the *Priviledge* as well as any other: For I underſtand (quoth he) that you not only for your own perſons, but alſo for your neceſſary Servants, even to your Cooks and Horſekeepers, enjoy the ſaid *Priviledge*: in as much as my *Lord Chancellor* here preſent hath informed us, that he being *Speaker* of the *Parliament*, the *Cook* of the

The King in the preſence of the Chancellor & Judges, with whom he had conſulted before of this matter, commends and approves the proceedings of the Commons.

Here the King from the mouth of the Lord Chancellor, declares the ancient priviledg of the Commons, even for their menial Servants, and gives an inſtance in the Cook of the Temple.

the *Temple* was Arreſted in *London*, and in Execution upon a Statute of the Staple: And foraſmuch as the ſaid *Cook*, during the Parliament, ſerved the *Speaker* in that Office, he was taken out of Execution by the *Priviledge* of the *Parliament*. And further, we be informed by our *Judges*, that we at no time ſtand ſo highly in our *Eſtate Royal*, as in the time of *Parliament*; wherein *We* as *Head*, and *You* as *Members*, are conjoyned and knittogether into *one Body politick*: ſo as whatſoever offence or injury (during that time) is offered to the meaneſt *Members* of the *Houſe*, it is to be judged as done againſt *Our Perſon*, and the whole *Court of Parliament*: which Prerogative of the Court is ſo great (as our learned Councel informeth us) as all Acts and Proceſſes coming out of any other Inferiour Courts, muſt for the time ceaſe and give place to the Higheſt. And touching

The *King* Head, and the *Lords* and *Commons* Members of the High Court of Parliament, in which he ſtands higheſt in his Royal Eſtate.

The Court of Parliament.

Nota, All Acts and Proceſſes coming out of any inferiour Court, muſt ceaſe and give place to the Higheſt.

ing the party, it was a great *presumption* in him, knowing our Servant to be one of this Houſe, and being warned thereof before, would nevertheleſs proſecute this matter out of time, and therefore was well worthy to have loſt his Debt, which I would not wiſh, and therefore do commend your *Equity*, that having loſt the ſame by *Law*, have reſtored him to the ſame againſt him who was his *Debtor*: and this may be a good example to others, not to attempt any thing againſt the *Priviledge* of this *Court*, but to take the time better. Whereupon Sir *Edward Mountague*, then Lord Ch. Juſtice, very gravely declar'd his opinion, confirming by divers reaſons all the *King* had ſaid, which was *aſſented unto* by all the reſidue, none ſpeaking to the contrary. The Act indeed paſſed not the Higher

Sir *Edward Mountague* Chief Juſtice of *England*, who we cannot believe to be miſconuſant of the ancient proceedings in Parliament, and of the Priviledge of the Houſe of Commons, together with the reſt of the Judges, by Reaſons which wanted not Authorities, confirmed what the King had ſaid.

Houſe,

Houſe, for the Lords had not time to conſider of it, by reaſon of the Diſſolution of the Parliament.

Becauſe this Caſe hath been diverſly reported, as is commonly alledged, as a Preſident for the Priviledge of the Parliament, I have endeavoured my ſelf to learn the truth thereof, and to ſet it forth with the whole circumſtances at large, according to their inſtructions who ought beſt both to know and remember it.

4. *Ed.* VI. Eight years after the Caſe of *Ferrers*, *Withrington* having made an Aſſault upon *Brandling*, Burgeſs for *Newcaſtle*; the Parl. being near an end, the Com. ſent *Withring*: to the Councel. Journal Dom. Com. 4. Ed. VI.

Die Jov. 7. *Apr. an. prædict.* The Bill for Mr. *Brandling*'s Complaint, ſent from the Lords of the *Privy Councel* again, to be ordered by this Houſe according to the Antient Cuſtom of this Houſe: Whereupon the Bill was read in the preſence of *Henry Witherington*, who was ſent to the Lords from this place; who confeſt that he began the Fray upon Mr. *Brandling*: whereupon the ſaid *Henry* is committed to the *Tower* of *London*.

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Some

Some few Preſidents againſt ſuch as have wrote Books to the diſhonour of the Lords *and* Commons, *and* Subverſion *of the* Government.

The Caſe of Arthur Hall *Eſq;*

Journ. Dom. Com. 14 Eliz. 17 Maii, Anno Dom. 1571. Miſdemeanors of a Member of the Houſe of Commons, for ſundry lewd ſpeeches as well in the Houſe, as abroad.

UPon ſundry Motions made by divers of this Houſe; *It* was *Order'd* that *Arthur Hall* Eſq; for ſundry *Lewd Speeches*, uſed as well in this *Houſe*, as alſo *abroad* elſewhere, ſhall have *warning* by the *Serjeant* to be here upon *Monday* next; and at the *Bar* to anſwer ſuch things as He ſhall then and there be *charged* with. And it was further *Ordered*, that all ſuch Perſons as have noted his words, either in this Houſe, or abroad, do forthwith aſſemble in the Chamber above, and put the words in writing; and afterwards deliver them to Mr. *Speaker*, to the

Ordered that thoſe who heard them, to put them in writing, and deliver them to the Speaker.

the end he may charge the ſaid *Hall*, upon *Monday* next.

This day *Arthur Hall* Eſq; being brought by the *Serjeant* to the Bar, and charged by the Houſe with Seven ſeveral Articles, humbly ſubmitted himſelf to the Houſe, and humbly confeſſed his folly, as well touching the ſaid Articles; as alſo his other fond and unadviſed Speech at the *Bar* : And was upon the Queſtion remitted, with a good Exhortation given him by Mr. *Speaker* at large.

Mond. 19 Febr. Mr. *Hall* appears, and is cleared.

Humbly confeſſeth his folly.

And is remitted by the Houſe.

The

The Case of Smalley, *Servant to Mr.* Arthur Hall, *Burgess for* Grantham. *And the Case of* Kirtleton, Hall's *Schoolmaster.*

Journal. Dom. Comm. Anno 18. *Eliz.* 16. Feb. A.D 1575. Breach of Priviledge, Confederacy, and Contempt.

MR. *Lievtenant* of the *Tower*, Sir *Nicholas Arnold*, and Mr. *Serjeant Lovelace*, were appointed to examine the Matter touching the *Arrest* of Mr. *Hall's* Servant, before Mr. *Speaker*, at his Chamber this Afternoon.

Friday 18. Feb.

Upon the *Question*, and also upon the division of the House it was *Ordered*, that *Edward Smalley* Yeoman, Servant unto *Arthur Hall* Esq; one of the *Burgesses* for *Grantham*, shall have *Priviledge.*

Munday 27. Feb.

After sundry *Reasons* and *Arguments*, it was *Resolved*, that *Edward Smalley*, Servant unto *Arthur Hall* Esq; shall be brought hither by the *Serjeant*, and *set* at *liberty* by the *Warrant* of the *Mace*, and *not* by *Writ.*

Smalley to be brought to the House by the Mace, and not by Writ.

Edward

Edward Smalley, Servant unto *Arthur Hall* Esq; being this day brought to the *Bar* in this Houſe by the *Serjeant* of the *Houſe*, and accompanied with two *Serjeants* of *London*, was preſently *delivered* of his *Impriſonment* and *Execution*, according to the *former Judgement* of this *Houſe*, and the ſaid *Serjeants* of *London diſcharged* of their ſaid *Priſoner*; and immediately after that the ſaid Serjeants of *London* were ſequeſtred out of this Houſe, and the ſaid *Edward Smalley* was *committed* to the Charge of the *Serjeant* of this *Houſe*; and thereupon the ſaid *Edward Smalley* was ſequeſtred, till this Houſe ſhould be reſolved upon ſome former Motions, whether the ſaid *Edward Smalley did procure himſelf to be arreſted upon the ſaid Execution, in the abuſing and contempt of this Houſe, or not.*

Tueſday 28. Feb.

Smalley brought to the Bar, was preſently delivered out of Execution.

1. Upon the *Queſtion* it was *Ordered*, that Mr. *Hall* be *ſequeſtred*

Wedneſday 7. March *poſt Meridiem.*

Mr. *Hall*, *Smalley*'s Master, withdraws.

ſtred the *Houſe*, while the *Matter* touching the *ſuppoſed Contempt* done to this *Houſe* be *argued* and *debated.*

Smalley adjudged guilty of a Contempt againſt the Houſe, for fraudulently procuring himſelf to be arreſted.

Edward Smalley upon the Queſtion was *adjudged guilty of the Contempt, and abuſing of this Houſe by fraudulent practice, of procuring himſelf to be arreſted upon the Execution, of his own aſſent and intention, to be diſcharged as well of his Impriſonment, as of the ſaid Execution.*

Kirtleton in confederacy with him.

Matthew Kirtleton, Schoolmaſter to Mr. *Hall*, was likewiſe upon another Queſtion adjudged guilty by this Houſe of like Contempt, and abuſing of this Houſe, in confederacy and practice with the ſaid *Smalley* in the intentions aforeſaid.

Smalley to be committed to the Tower for his Miſdemeanor and Contempt.

2. Upon another *Queſtion* it was *adjudged* by the *Houſe*, that the ſaid *Smalley* be for his *Miſdemeanor* and *Contempt committed* to the Priſon of the *Tower.*

3. Upon the like *Queſtion* it was

was also *adjudged* by this *House*, that the said *Kirtleton* Schoolmaster, be also for his *lewd Demeanor* and *Contempt* in *abusing* of this *House*, *committed* to the *Prison* of the *Tower*. The like Judgment for *Kirtleton*.

4. Upon another *Question* also it was *Resolved*, that the *Serjeant* of this *House* be commanded to bring the said *Edward Smalley*, and the said *Matthew Kirtleton*, Schoolmaster to Mr. *Hall*, into this *House*, to morrow next in the forenoon, to *hear* and *receive* their said *Judgements* accordingly. Both to be brought into the House, to receive their Judgements.

5. And further, that the Matter wherein the said *Arthur Hall* is supposed to be touched, either in the privity of the said Matter of Arrest, or in the abusing of the Committees of this House, shall be deferred to be further dealt in till to morrow. Mr. *Hall's* privity in the Matter to be referred to a further Debate.

The *Bill* against *Arthur Hall* Esq; *Edward Smalley*, and *Matthew Kirtleton* his Servant, was read the first time. Satutday 10. March.

Edward Smalley, Servant unto *Arthur Hall* Esq; *appearing* in this Houſe this day at the *Bar*, *it* was *pronounced* unto *him* by Mr. *Speaker*, and in the Name, and by the Appointment and *Order* of this *Houſe*, for execution of the former Judgement of this Houſe awarded againſt him, That he the ſaid *Edward Smalley* ſhall be forthwith committed Priſoner from this Houſe to the Tower of *London*, and there remain for one whole month next enſuing from this preſent day; and further, after the ſame month expired, until ſuch time as good and ſufficient aſſurance ſhall be had and made, for payment of one hundred pounds of good and lawful money of *England*, to be made unto *William Hewet*, *Adminiſtrator* of the Goods, Chattels and Debts of *Melchiſedeck Mallory* Gent. deceaſed, upon the firſt day of the next Term, according to the former Order in that behalf by this

The Speaker pronounced Judgement upon *Smalley*.

this Houſe made and ſet down, and alſo 40 *s.* for the *Serjeant's* Fees; the notice of which aſſurance for the true payment of the ſaid one hundred pounds in form aforeſaid, to be certified unto *Mr. Lievtenant* of the *Tower*, by Mr. *Recorder* of *London*, before any delivery or ſetting at liberty of the ſaid *Edward Smalley*, to be in any wiſe had or made at any time after the expiration of the ſaid month as is aforeſaid, and that he ſhall not be delivered out of Priſon before ſuch notice certified, whether the ſame be before the ſaid firſt day of the next Term, or after.

The 2d. Case of Arther Hall *Esq*; *a Member of Parliament.*

Saturd. 4. Feb. An. 23. *Eliz.* Journ. Dom. Com.

Mr. *Hall*'s Charge for writing a Book derogatory to the Authority, Power and State of the Commons House of Parliament.

UPon a *Motion* made unto this *House* by Mr. *Norton*, in which he declared that *some person* of late had caused a *Book* to be set forth in *print*, not only *greatly reproachful against some particular good Members of this House of great credit, but also very much slanderous and derogatory to the general authority, power and state of this House, and prejudicial to the validity of the proceedings of the same, in making and establishing of Laws, charging this House with drunkenness, as accompanied in their Councels with* Bacchus; *and then also with Choler, as those which had never sailed to* Anticyra, *and the proceedings of this House to be* Opera tenebrarum. And *further*, that by the *circumstance* of the residue of the *discourse* of the said *Book*, he conjectured the same

ſame to be done and procured by Mr. *Arthur Hall*, one of this *Houſe*, and ſo *prayed* that thereupon the ſaid Mr. *Hall* might be called by this Houſe to *Anſwer*, and the matter further to be duly *examined*, as the *weight* thereof in due *conſideration* of the *gravity* and *wiſdom* of this *Houſe*, and of the *authority*, *ſtate* and *liberty* of the ſame, *requireth*. It is *Reſolved*, That the ſaid Mr. *Hall* be forthwith ſent for by the *Serjeant* at *Arms* attending upon this *Houſe*, to make his *appearance* here in that behalf accordingly.

Mr. *Hall* ordered to be ſent for by the Serjeant at Arms

And then immediately *Mr. Secretary Wilſon* did thereupon ſignifie unto this Houſe, that the ſaid Mr. *Hall* had upon his Examination therein before the *Lords* of the *Councel*, heretofore confeſſed in the hearing of the ſaid *Mr. Secretary*, that he did cauſe the ſaid *Book* to be *printed* indeed. Upon relation whereof, and after ſome ſpeech then alſo

uttered unto this Houſe by *Mr. Chancellor of the Exchequer*, of the *dangerous* and *lewd Contents* of the ſaid *Book*, the *Serjeant* was forthwith by *Order* ſent to *apprehend* the ſaid *Arthur Hall*, and was preſently aſſiſted for that purpoſe with Sir *Thomas Scot* and Sir *Thomas Brown*, by the *appointment* of this *Houſe*.

Two Knights, Members of the Houſe, to aſſiſt the Serjeant.

A *Commiſſion* was then alſo given by this whole Houſe, unto *Mr. Vice-chamberlain*, *Mr. Chancellor of the Exchequer*, *Mr. Secretary Wilſon*, *Mr. Treaſurer of the Chamber*, *Sir Henry Lee*, *Sir Thomas Cecil*, *Sir William Fitz-williams*, and *Sir Henry Gate*, to ſend for the *Printer* of the ſaid *Book*, and to *examine* him touching the ſaid *matter*, and afterwards to make *Report* thereof to this *Houſe* accordingly. And alſo to take *order* and *adviſe* further for the ſending for, and *apprehending* of the ſaid *Arthur Hall*, if it ſhould ſo fall out that he did *withdraw* him-

A Commiſſion to a Committee to ſend for the Printer, and to examine the Matter.

To report to the Houſe, and to take order for *Hall's* Apprehenſion.

himſelf, or *depart* out of *Town*, before ſuch time as the ſaid *Serjeant* could find him: with this further *Reſolution* alſo, *That any ſuch Member of this Houſe as ſhould happen firſt to ſee him, or meet him, might, and ſhould in the name of the whole Houſe ſtay him, and bring him forth to anſwer the ſaid matter forthwith before the whole Houſe, with all poſſible ſpeed.*

And if any Member ſhould ſee him, to ſtay him, and bring him to the Houſe.

Mr. Secretary *Wilſon* declaring the travel of the *Committees* in examining of the *Printer* that did print Mr. *Halls* Book, ſignified unto this Houſe, that the ſaid *Printer* (whoſe name is *Henry Bynnyman*) upon his *Examination* before the *Committees* ſaid, that one *John Wells* a Scrivener in *Fleetſtreet*, did deliver a *Copy* to him; and when the *Book* was *printed*, he delivered one *Book* to *Henry Shirland* in *Friday-ſtreet*, Linen-draper, to be ſent to Mr. *Hall*; and that afterwards about a year paſt, he delivered to Mr.

Munday 6 Feb. Mr. Secretary *Wilſon* reports the Examination of *Hall's* Caſe from the Committee.

Hall ſix of the ſaid *Books*, and one more to Mr. *Halls* man ſhortly after; and ſaid, that Mr. *Hall* promiſed to get him a *priviledge*, whereupon he adventured (he ſaith) to print the *Book*: and ſaith, that the Copy was written by *Wells* the Scrivener, and that he received of the ſaid *Shirland* Linen-cloth to the value of 6 *l.* 13 *s.* 4 *d.* for printing the ſaid *Book*, and that he ſtaid of his own accord the publiſhing of the ſaid *Books*, till he was paid: whereas Mr. *Hall* was contented they ſhould have been put to ſale preſently. Which *Report* ſo made by *Mr. Treaſurer*, and withall that Mr. *Hall* and the *Printer* were both then at the door, the ſaid Mr. *Hall* was thereupon brought to the *Bar*, and being *charged* by *Mr. Speaker* in the *behalf* of the *whole Houſe*, with the ſetting forth of the ſaid *Book*, containing *very lewd and ſlanderous reproach not only againſt ſome particular Mem-*

Hall appears, and was called to the Bar, where he was charged by the Speaker with his Offence.

bers

bers of this Houſe, but alſo againſt the general Eſtate and Authority of this whole Houſe.

Hall denied not the ſetting forth of the ſaid *Book*, proteſting the ſame to be done by him without any malicious intent or meaning, either againſt the ſtate of this Houſe, or againſt any Member of the ſame; *praying* this whole Houſe (if he had offended in ſo doing) they would *remit* and *pardon* him; affirming withall very earneſtly, that he never had any more then one of the ſaid Books; and upon due conſideration had of his own *raſhneſs* and *folly* therein, willed that all the ſaid Books ſhould be ſuppreſſed. Then was Mr. *Hall* ſequeſtred.

Henry Bynnyman the *Printer* was brought to the *Bar*, who *affirmed* in all things as Mr. *Secretary Wilſon* before reported, and further that he had 80 or 100 of the ſaid *Books*; and was thereupon *ſequeſtred*. The Printer brought to the Bar.

Henry

And *Shirland*, who was examined.

Henry Shirland was brought to the *Bar*, who there *confeſſed*, that Mr. *Hall* did write a Letter unto him, and ſent the ſaid *Book* unto him, willing him to get it *printed*; and thereupon he delivered the ſaid *Book* to *Bynnyman*, to have it *printed*, *Wells* the *Scrivener* then being preſent with him; and ſaid further, that Mr. *Hall* had paid him again the 20 Nobles which he before had paid the Printer; and ſo *he* was then *ſequeſtred*.

And *Wells*, who was alſo examined.

And the ſaid *Wells* brought to the *Bar* upon his Examination, *ſaith*, that when he was Apprentice with one Mr. *Dalton* a Scrivener in *Fleetſtreet*, the ſaid Mr. *Hall* then lying about *Paul's Wharfe*, ſent unto his ſaid Maſter to ſend one of his men unto him, and that thereupon his ſaid Maſter ſent him unto the ſaid Mr. *Hall*, who when he came, *delivered* unto him a *Book* in written-hand, willing him to carry it home with him,

him, and copy it out, and ſaid, that when he had ſhewed it to his Maſter, his Maſter commanded him to write part of it, and his fellows ſome other part of it, and his ſaid Maſter (as he remembreth) did write the reſt of it, but what his ſaid Maſter had for the writing of it, he knoweth not. And being further examined, ſaith, that yeſterday laſt paſt he delivered one of the ſaid Books to Sir *Randal Brierton*, from the ſaid Mr. *Hall*. And then the ſaid *John Wells* was *ſequeſtred*.

And afterwards all the *Privy-Councel* being of this Houſe, Mr. Knight-Marſhal, Mr. Recorder of *London*, Mr. Serjeant *Flowerdew*, Mr. Serjeant *St. Leiger*, Mr. *Cromwell*, Mr. *Atkins*, the Maſter of the Jewel-houſe, Sir *Thomas Scot*, Sir *Thomas Brown*, Mr. *Nathaniel Bacon*, Mr. *Beale*, Mr. *Norton*, and Mr. *Alford*, were added to the former Committees for the further proceeding to Examination of

A Committee appointed to examine further the whole Matter.

of the matter touching Mr. *Hall*, the *Printer*, the *Scrivener*, and all other perſons, *parties* or *privy* to the *publiſhing* of the ſaid *Book*, ſet forth in print by the means and procurement of the ſaid Mr. *Hall*, and to meet upon *Wedneſday* next at two of the Clock in the afternoon, in the *Exchequer Chamber*.

M. *Hall* brought to the Bar again, and committed to the Serjeant to attend the Committee.

Which done, Mr. *Hall* being brought to the *Bar* again, *Mr. Speaker* declareth unto him, that this Houſe mindeth further to examine the particularities of the matter, wherewith they have charged him, and do therefore order him to the *Serjeants* ward, with this liberty, That upon *Wedneſday* next in the afternoon, being accompanied with the *Serjeant*, he may attend at the *Exchequer Chamber* upon the Committees in the Cauſe: And was thereupon had out of the *Houſe*.

Bynnyman, *Wells*, and *Shirland*, ordered

Henry Bynnyman the Printer, *John Wells* the Scrivener, and *Henry*

Henry Shirland Linen-draper, being brought all three to the *Bar*, were by *Mr. Speaker* injoyned in the name of the whole Houſe, to give their attendance upon the ſaid *Committees* at the time and place aforeſaid, and alſo at all times in the mean ſeaſon thereof, if they ſhall happen to be called by them, or any of them: And ſo were had out of the *Houſe*. likewiſe to attend the Committee.

And further it is *Ordered* by this Houſe, That *Mr. Speaker* do ſend the Serjeant for *John Dalton*, late Maſter of the ſaid *John Wells*, and to charge him alſo to attend upon the ſaid Committees, at the ſaid time and place in like manner. *Dalton* alſo ordered to attend

Mr. Vice-Chamberlain for himſelf and the reſidue of the Committees, appointed to examine Mr. *Hall*, the Printer, the Scrivener, and all other perſons privy to the ſetting forth and publiſhing of the Book, declared, that they had charged the ſaid Mr. *Hall* with Tueſd. 14 Feb. Another Report from the Committee againſt *Hall*, of new Contempts and Crimes added to his former.

with Contempt againſt this Houſe the laſt Seſſion, in that being enjoyned by this Houſe to appear, he departed out of Town, in contempt of the *Court*, and afterwards teſtified the ſame his wilful Contempt, by an unſeemly Letter addreſſed by him to this Houſe, and charged him further with divers Articles of great importance, ſelected by the ſaid Committees out of the ſaid Book: As firſt, *with publiſhing the Conferences of this Houſe abroad in Print, and that in a Libel, with a counterfeit Name of the Author, and no Name of the Printer, and containing matter of Infamy of ſundry good particular Members of the Houſe, and of the whole State of the Houſe in general, and alſo of the Power and Authority of this Houſe; affirming, that he knew of his own knowledge, that this Houſe had* de facto *judged and proceeded untruely.*

Mr. *Hall* chargeth the Houſe with Injuſtice.

And was further charged, *That he had injurioufly impeached the memo-*

memory of the late Speaker deceaſed; that he had impugned the Authority of this Houſe, in appointing Committees without his aſſent; and that in defacing the Credit of the Body and Members of this Houſe, he practiſed to deface the Authorities of the Laws and Proceedings in the Parliament, and ſo to impair the ancient Order, touching the government of the Realm, and Rights of this Houſe, and the form of making Laws, whereby the Subjects of the Realm are governed. And further was charged, *That ſince his being before the Lords of the Councel for his ſaid offence, and after that he had received rebuke of them for the ſame, and had offered ſome form of a ſubmiſſion, he had eſſoon again publiſhed the ſaid Book; and that upon his Examination in the Houſe, he had denied the having any more than one of the ſaid Books, it was yet proved he had twelve or thirteen, and ſix of them he had given away, ſince the time* Nota.

he

he was called before the said Lords of the Councel.

Unto all which things, as the said Mr. *Hall* could make no reasonable answer or denial, so *Mr. Vice-chamberlain* very excellently setting forth the *natures* and *qualities* of the said offences, in their several degrees, moved in the end that Mr. *Hall* being without at the door, might be called in to *Answer* unto those points before the whole House, and so thereupon to proceed to some end; and therewithall perswading a due consideration of spending the time as much as might be in matters of greatest moment, wherein much less has been done this Session, then in any other these many years in like quantity of time: And thereupon after divers other motions and speeches had in the said matter, the *Printer* was brought to the Bar, and being examined, avowed that Mr. *Hall* after that he had been before the Lords

The Printer brought to the Bar again, and re-examined.

Lords of the Councel, came to him and told him, that he had answered the matter for the Books before the Councel, and that therefore the *Printer* might deliver the said Books abroad. And also whereas the said *Printer* wished unto the said Mr. *Hall*, since his last committing, that all the said Books had been burned before he meddled with them; Mr. *Hall* should say to him again, *He would not for* 100 *l.* And then being *sequestred.*

Mr. *Hall* was brought to the *Bar*, where after some *reverence* done by him, though not yet in such *humble* and *lowly wise* as the *state* of one in that *place* to be charged and accused, *requireth*; whereof being admonished by *Mr. Speaker*, and further by him *charged* with sundry of the said parts collected out of the said *Book*, he *submitted* himself to the House, refusing to make any *answer* or *defence* at all in the matter, but

Mr. *Hall* at the Bar, and recharged by Mr. Speaker.

Submits, refuseth to answer, acknowledgeth his Error, prays pardon, and is sequestred.

but acknowledging his *Error*, prayed *pardon* of the whole House with all his heart; and that done, was *sequestred*.

Sundry motions for a proportionable punishment.

After which, upon sundry *Motions* and *Arguments* had touching the *quality* and *nature* of his *fault*, and of some proportionable forms of punishment for the same, as *Imprisonment*, *Fine*, *banishment from the fellowship of this House*, and an *utter Condemnation* and *Retractation* of the said *Book*, it was upon the *Question*, *Resolved* by the whole House without any one *Negative voice*:

Resolved, *nemine contradicente* *Hall* to be committed to Prison.

1. That he should be *committed* to *Prison*.

2. And upon another *Question* likewise *Resolved*, That he should be committed to the *Prison* of the *Tower*, as the Prison proper to this House.

And that Prison to be the Tower

3. And upon another *Question*, it was in like manner *Resolved*, That he should *remain* in the said *Prison* of the *Tower* by the space of 6. *months*:

There to remain for six months.

4. And

4. And ſo much longer as until himſelf ſhould willingly make a *Retractation* of the ſaid *Book*, to the ſatisfaction of this Houſe, or of ſuch *order* as this Houſe ſhall take for the ſame, during the continuance of this preſent Parliament. And from thence, till he made a retractation of his Book.

5. And upon another *Queſtion* is was alſo in like manner *Reſolved*, That a *Fine* ſhould be aſſeſſed by this Houſe to the *Queens Majeſties* uſe, upon the ſaid Mr. *Hall* for his ſaid offence. To be fined to the Queen.

6. And upon another *Queſtion* alſo it was *Reſolved* in like manner, That the ſaid *Fine* ſhould be 500 Marks. And that Fine to be 500 Marks.

7. And upon another *Queſtion* alſo it was likewiſe *Reſolved*, That the ſaid Mr. *Hall* ſhould preſently be *ſevered* and *cut off* from being a *Member* of this *Houſe* any more, during the continuance of this preſent Parliament. And that *Mr. Speaker*, by authority of this Houſe, ſhould direct a Warrant To be ſevered and cut off from being a Member of the Houſe. And the Speaker to iſſue a Warrant for a new Writ,

from this Houſe to the Clerk of the *Crown-Office* in the *Chancery*, for the awarding of the *Queens Majeſties* Writ to the Sheriff of the ſaid County of *Lincoln*, for a *new Burgeſs* to be returned into this preſent Parliament for the ſaid Burrough of *Grantham*, in the lieu and ſtead of the ſaid *Arthur Hall*, ſo as before *diſabled any longer to be a Member of this Houſe.*

His Book and ſlanderous Libel to be adjudged utterly falſe and erroneous.

8. And upon another *Queſtion* it was alſo in like manner *Reſolved*, That the ſaid *Book* and *ſcandalous Libel* ſhould, and ſhall be *holden, deemed, taken and adjudged to be utterly falſe and erronious.*

And that to be publickly teſtified and affirmed by Order of the Houſe.

And that the ſame ſhall be publickly teſtified, affirmed and ſet forth to be falſe, ſeditious and erronious, in ſuch ſort, order and degree as by this Houſe ſhall be, during this Seſſion of Parliament, further determined in that behalf.

Which done, the ſaid Mr. *Hall* was

was brought in again to the *Bar*, unto whom *Mr. Speaker* in the name of the whole Houſe, *pronounced* the ſaid *Judgment* in form aforeſaid, and ſo the *Serjeant* was commanded to take charge of him, and convey him to the ſaid *Priſon* of the *Tower*, and to *deliver* him to *Mr. Lieutenant* of the *Tower*, by Warrant from this Houſe to be directed and ſigned by *Mr. Speaker* for that purpoſe. Which done, and the ſaid Mr. *Hall* had away by the *Serjeant*, it was *agreed* (upon a *motion* made by the *Speaker*) that the whole *courſe* and *form* of the ſaid *proceedings* and *Judgment* of this *Houſe* againſt the ſaid Mr. *Hall*, ſhould be afterwards *orderly* digeſted and ſet down in due form, to be firſt read in this Houſe, and then ſo entred by the *Clerk* as the reſidue of the *Orders* and *proceedings* of this Houſe, in other Caſes, are uſed to be done. And ſo it was afterwards drawn into *form*, *read* unto

Hall brought to the Bar to receive his Judgment, which Mr. Speaker delivered accordingly.

to the Houſe, and entred by the *Clerk* accordingly, *in hæc verba*: (*viz.*)

The Proceedings againſt *Hall* drawn up, read and agreed to by the Houſe.

Whereas it was informed unto this Houſe, upon *Saturday* being the *fourth* day of this preſent *February*, That *Arthur Hall* of *Grantham* in the County of *Lincoln* Eſquire, had ſithence the laſt Seſſion of this *Parliament*, ſet forth in print and publiſhed a *Book*, dedicated unto Sir *Henry Knyvet* Knight, a good Member of this Houſe, without his privity, liking or allowance; in part tending greatly to the ſlander and reproach not only of Sir *Robert Bell* Knight, deceaſed, late *Speaker* of this *Parliament*, and of ſundry particular Members of this Houſe, but alſo of the proceeding of this Houſe in the ſame laſt Seſſion of Parliament, in a Cauſe that concerned the ſaid *Arthur Hall*, and one *Smalley* his man; and that there was alſo contained a long diſcourſe tending to the *diminiſh-*

ment

ment of the *ancient Authority* of this *House*; and that thereupon by *Order* of this House, the said *Arthur Hall* was sent for by the *Serjeant* of this House, to appear on *Monday* following, which he did accordingly: whereupon being called to the *Bar*, and charged by the *Speaker* with the Information given against him, he *confessed* the making and setting forth thereof: whereupon the said *Arthur Hall* being *sequestred*, the House did presently appoint divers *Committees* to take a more particular *Examination* of the said *Cause*, and of all such as had been doers therein; which *Examination* being finished by the said *Committees*, they informed this House that they had charged the said *Arthur Hall* with *Contempt*, against this House the said last Session, in that being enjoyned by this House to appear there at a time by this House prefixed, departed out of the Town in *con-*

tempt of the *Court*, and afterwards teſtified and aſſerted the ſame his *wilful contempt*, by an unſeemly *Letter* addreſſed by him to this Houſe; *and charged him alſo with publiſhing the Conferences of this Houſe, abroad out of the Houſe*, and that alſo in print, in manner of a Libel, with a counterfeit name of the Author, and without any name of the Printer: in which Book or Libel was contained matter of *reproach* and *infamy* to ſundry good *Members* of this Houſe in particular, and of the *whole ſtate* of the Houſe in general, *reproaching* and *embaſing* what in him lay, the *Power* and *Authority* of this Houſe; and untruly reporting the *Orders* of this Houſe, affirming amongſt other great *reproaches*, that he knew of his own knowledge that this Houſe had judged and proceeded untruly; and further charged him, that he had therein alſo injuriouſly impeached the memory of the late

Speaker

Speaker deceaſed, affirming that the *Orders* of this Houſe were not by him truly delivered or ſet down, but altered and changed.

And not herewith ſatisfied, hath in ſome part thereof contained a *falſe* and *ſlanderous diſcourſe* againſt the *Antiquity* and *Authority* of the *Commons Houſe*, or *Third Eſtate* of the *Parliament*; wherein he hath *falſly* ſought, as much as in him is, to *impugn, deface, blemiſh and diminiſh the Power, Antiquity and Authority of this Houſe, and the Intereſt that it hath always, and in all ages had, to the great impeachment of the ancient order and government of this Realm, the rights of this Houſe, and the form of making Laws.*

Rot. Pat. 48 H. 3. m. 6. dorſo. *Forma pacis inter Regem & Barones.* The Articles of Peace *à Domino Rege & Domino Edwardo, Prælatis & Proceribus omnibus, &* Communitate *tota regni Angliæ communiter & concorditer approbat.* were ſealed by the Biſhops of *Lincoln* and *Ely*, Earl of *Norf.* Earl of *Oxon.* *Humphrey Bohun, William de Monte Caniſio, & Major. London. in* Parliamento *London. menſe Junii, Anno Dom.* 1264. *de* conſenſu, voluntate *&* præcepto *Domini Regis, necnon Prælatorum, Baronum, ac etiam* Communitatis *tunc ibidem præſentium.* And not only ſo, but that Record tells us, *Quod quædam ordinatio facta in* Parliamento *London. habito circa feſtum Nativitatis Sancti Johannis Baptiſtæ prox' præteritum, pro pace Regni conſervanda.*

And

Pultons Stat. 24 H. 8. c. 12. It is unanimouſly declared, adjudged and confirmed, That the *King*, his noble Progenitors, and the *Nobility* and *Commons* of the ſaid Realm, at divers and ſundry *Parliaments* as well in the time of King *E.* 1. *R.* 2. *H.* 4. and other noble Kings of this Realm, *made ſundry Ordinances, Laws, Statutes and Proviſions* for the entire and ſure conſervation of the Prerogative, Liberties and Preheminences of the ſaid Imperial Crown of this Realm, and of the Juriſdiction *Spiritual* and *Temporal* of the ſame, to keep it from the annoyance as well from the *See* of *Rome*, as from the Authority of other Foreign Potentates, attempting the diminution and violation thereof, as often and from time to time as any ſuch annoyance and attempt might be known or eſpied.

And that ſince his being before the Lords of the Councel for his ſaid offence, and after he had received rebuke of them for the ſame, and had offered ſome form of ſubmiſſion in that behalf, he had eftſoons again publiſhed the ſaid *Book*; and that upon his *Examination* in this Houſe, he had denied the having of any more then one of the ſaid *Books*, yet it was proved he had 12. or 13. of them, and 6. of them ſince the time he was called before the Lords of the Councel: and that he had by his Letters given order to have - - - - of thoſe *Books* printed, which was done accordingly; and that he had cauſed one of the ſaid *Books*, ſithence this Seſſion of Parliament, to be ſent to Sir *Randal Brewerton* Kt.

Unto

Unto all which, as the ſaid *Arthur Hall* could make no denial, or ſufficient Anſwer, ſo the ſaid Committees ſetting forth the nature and qualities of the ſaid Offences in their ſeveral degrees, moved in the end that the ſaid *Arthur Hall* might be called into the Houſe, to anſwer unto thoſe Points before the whole Houſe, and ſo thereupon to proceed to ſome ſpeedy end, perſwading therewithal a due conſideration to be had of ſpending the time as much as might be, in ſuch Matters of the Realm, for which this Parliament was chiefly called.

Ex vetuſto MS. *Statutorum penes* Johan' Peachy *de Interior' Templo Armig.* King *Edw.* 2. and the whole Parliament, in the 15. year of his Reign, when the Ordinances which had been made before that time, by certain Prelates, Earls and Barons, by the conſent of that King, *& la Comunante de la terre*, were repealed, becauſe in many things they reſtrained the Power Royal too much; yet in the Act of Repeal there is a *ſalvo ſemper jure Regni ſive Parliamenti*, for they unanimouſly agree and provide, *Mes les choſes que ſont eſtablez pur le ſtate noſtre Seigneur le Roy & ſes heirs, & pur le ſtate du Roialme & du Peuple, ſoient tretez, accordez & eſtablez en Parlement par noſtre dit Seigneur le Roy, & par l'aſſent des Prelatz, Comtz, Barons, & tout le Commune du Roialme, auxi come ad eſtre accuſtumer ceo en arrear*; That thoſe things which are for eſtabliſhing the Eſtate of the King and his Heirs, and for the Eſtate of the Realm, and the People thereof, ſhall be *treated* of, *accorded* and *eſtabliſhed* in *Parliament* by the *King*, and by the *aſſent* of the Prelates, Earls, Barons, and all the *Commons* of the Realm, *as it had been accuſtomed in times paſt.*

Where-

Rastals Stat. Anno 38 E. 3. f. 124. the Statute of Provisors from *Rome*. And to the intent that the said *Ordinances* and every of the same, for the ease, quietness and wealth of the Commons, be the better sustained, executed and kept, and that all those which have offended, or shall offend against

Whereupon after divers other Motions and Speeches had in the said Matter, the said *Printer* was brought to the Bar, and being examined, avowed, that *Arthur Hall* after he had been before the Lords of the Councel, came to him, and told him, that he had answered the Matter for the said Books before the Councel; and that therefore the said Printer might deliver the said Books abroad; affirming also, that whereas the said *Henry Bynnyman* the Printer, sithence this Session

these Ordinances, by prosecutions, accusations, denunciations, citations, or other Proces, made or to be made out of the said Realm, or within, or otherwise against any manner of person of the said Realm, be the more covenable, and speedily brought in *answer*, to receive right according to their desert. The *King, the Prelates, Dukes, Earls, Barons, Nobles, and other Commons, Clerks, and Lay-people*, be *bound* by this present Ordinance to *aid, comfort*, and to *counsel* the *one* and the *other*, and as often as shall need, and by all the best *means* that may be made of word and of deed, to *impeach* such offenders, and *resist* their deeds and enterprizes, and without suffering them to inhabit, abide, or pass by the Seignories, Possessions, Lands, Jurisdictions, or Places, and be *bound* to *keep* and *defend* the one and the other from all *damage, villainy*, and *reproof*, as they should do their own *persons*, and for their deed and business, and by such manner, and as far forth as such Prosecutions or Proces were made or attempted against them in especial general, or in *common*.

of

of Parliament, and ſince his laſt committing, wiſhing unto the ſaid *Arthur Hall*, that all the ſaid Books had been burned before he meddled with them; that *Arthur Hall* ſhould ſay to him again, he would not ſo for 100 *l.* And then he being ſequeſtred, *Arthur Hall* was brought to the Bar, where after ſome mean reverence by him done, though not in ſuch humble and lowly wiſe, as the ſtate of one in that place to be charged and accuſed, required; whereof being admoniſhed by the Speaker, and further by him charged, as well with the ſaid parts collected out of the ſaid Book, as with other his Miſdemeanours and Contempts aforeſaid, he in ſome ſort ſubmitted himſelf to the Houſe, acknowledging in part the Matters wherewith he was charged, and in ſome other parts denied the ſame, but not making

Rot Parl. 21 R. 2. n. 27. *Pur le Pape s'accorderent touts les Prelats, Seigneurs & Communes en le Parlement.* That Pope *Urban* was true & lawful Pope, and that the Livings of all Cardinals, Rebels to Holy Father, and all others their coadjutors, fautors and adherents, and all other Enemies of the *King* and his *Realm*, ſhall be ſeized into the hands of the King, and the King to be anſwered of the profits thereof; and whoſoever ſhall procure or obtain any Proviſion or other Inſtrument from any other *Pope* then the ſaid *Urban*, ſhall be out of the *Kings Protection.*

any

any good defence in the Matter, but acknowledging in part his Errors, imputing it for the moſt part to his miſpriſion, and that in other parts the Matters were gathered otherwiſe than he meant; and thereupon he prayed pardon of the Houſe, and that done, was ſequeſtred.

Certaine Prieſts *en Angleterre avoient offend en diverſe points en temps* R. 2. *durant le* diviſion *de la* Papacy, *les fueront per Act del Parlement deprives de leur Benefices.* 21 H. 7. fo. 34.

After which, upon ſundry Motions and Arguments had touching the nature and quality of his Faults, and of ſome proportionable forms of ſuch puniſhment for ſuch grievous Offences, it was upon the Queſtion *Reſolved* and *Ordered* by the *whole Houſe*, *without any one negative Voice*,

Rot. Parl. 2 *H.* 5. par. 2. num. 10. An Act of Parliament made 2 *H.* 5. agrees and confirms, that it was ever the liberty and freedom of the Commons of *England*, that no Statute or Law could be made, unleſs they gave thereto their aſſent; and the Reaſon was convincing and certain, which the King and his Councel, the Archbiſhops, Biſhops, Abbots, Priors, Earls and Barons in Parliament, agreed to, and never in the leaſt queſtioned or doubted of, that the *Commons* of the Land have *ever* been a *Member* of *Parliament*, and were as well *Aſſenters* as *Petitioners*. The Record is thus; That ſo as it hath *ever* be their *liberte* and *freedom*, that ther ſhould no *Statute*, ne *Law*, be made, of *leſs* then they *yaffe* thereto there *aſſent*, confidering that the *Common* of your Lond, the which that *is* and *ever* hath be a *Membre* of your *Parliament*, ben as well *Aſſenters* as *Petitioners*.

that

that he ſhould be committed to Priſon.

And upon another Queſtion likewiſe Reſolved and Ordered, that he ſhould be committed to the Priſon of the Tower, as the Priſon uſual for Offenders to be committed unto by this Houſe.

And upon another Queſtion it was in like manner Reſolved and Ordered, that he ſhould remain in the ſaid Priſon of the Tower by the ſpace of 6 months, and ſo much longer, as until himſelf ſhould willingly make a particular Revocation or Retractation under his Hand in writing, of the ſaid

Rot. Parl. 3 H. 5. n. 11. *Noſtre Seigneur le* Roy *per* avys & *aſſent des* Seigneurs & Communes, Enact. That during the *Schiſm* at *Rome*, all *Biſhops* and other perſons of Holy *Church*, ſhall be conſecrated by the Metropolitan, upon the Kings Writ, without further excuſe or delay.

Pultons Stat. 24 H. 8. c. 12. It was enacted by Authority of Parliament, That all Archbiſhops and Biſhops of this Realm, or of any the Kings Dominions, conſecrated, and at this preſent time taken and reputed for Archbiſhops and Biſhops, may by Authority of this preſent Parliament, and not by vertue of any proviſion, or other foreign Authority, Licenſe, Faculty, or Diſpenſation, keep, enjoy and retain their Archbiſhopricks and Biſhopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and conſecrated, according to the due courſe of the Laws of this Realm; and that every Archbiſhop and Biſhop of this Realm, and of other the King's Dominions, may miniſter, uſe and exerciſe all and every thing and things, pertaining to the Office or Order of an Archbiſhop and Biſhop, with all tokens in Signs and Ceremonies thereunto lawfully belonging.

the

Errors and Slanders contained in the ſaid Book, to the ſatisfaction of this Houſe, or of ſuch Order as this Houſe ſhall take for the ſame, during the continuance of this preſent Seſſion of Parliament.

And upon another Queſtion it was alſo in like manner Reſolved and Ordered, that a Fine ſhould be aſſeſſed by this Houſe to the Queens Majeſties uſe upon the ſaid *Arthur Hall*, for his ſaid Offence.

And upon another Queſtion it was Reſolved and Ordered in like manner, that the ſaid Fine ſhould be 500 Marks.

And upon another like Queſtion it was likewiſe Reſolved and

Raſtals Stat. 25 H. 8. c. 12. It is declared both by the Lords & Commons, That your Royal Majeſty, and your Lords Spiritual and Temporal, and Commons repreſenting the whole ſtate of your Realm, in this your moſt *High Court* of *Parliament*, have full *power* and *authority* not only to *diſpence*, but alſo *authorize* ſome elect perſon or perſons to diſpence with thoſe and all other *Humane* Laws of this your *Realm*, and with every one of them, as the quality of the perſons and matter ſhall require; and alſo the ſaid *Laws* and every of them to abrogate, adnul, amplifie or diminiſh, as ſhall be ſeen unto your Majeſty, and the Nobles and *Commons* of your Realm, preſent in your Parliament, meet and convenient for the wealth of your Realm, as by divers good and wholeſom *Acts* of *Parliament*, made and eſtabliſhed as well in your time, as in the time of your moſt *noble Progenitors*, it may plainly and evidently *appear*.

Or-

Ordered, that the ſaid *Arthur Hall* ſhould preſently be removed, ſevered and cut off, from being any longer a Member of this Houſe, during the continuance of this preſent Parliament; and that the Speaker by Authority from this Houſe, ſhould direct a Warrant from this Houſe to the Clerk of the Crown-Office in the Chancery, for the awarding of

Pultons Stat. An. 2 & 3 E. 6. cap. 21. All Laws prohibiting Spiritual perſons to marry, who by Gods Law may marry, ſhall be void.

Be it therefore enacted by our Soveraign Lord the King, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the *Authority* of the *ſame*, that all and every Law and Laws poſitive, *Canons*, *Conſtitutions*, and *Ordinances* heretofore made by *Authority* of *Man* only, which do prohibit or forbid marriage to any Eccteſiaſtical or Spiritual perſon or perſons, of what eſtate, condition or degree they be, or by what name or names ſoever they be called, which by Gods Law may lawfully marry, in all and every Article, Branch and Sentence, concerning only the prohibition for the marriage of the perſons aforeſaid, *ſhall be utterly void and of none effect*; and that all manner of forfeitures, pains and penalties, crimes or actions, which were in the ſaid Laws contained, and of the ſame did follow, concerning the prohibition for the marriage of the perſons aforeſaid, *be clearly and utterly void, fruſtrate, and of none effect*, to all intents, conſtructions and purpoſes, as well concerning marriage heretofore made by any of the *Eccleſiaſtical* or *Spiritual perſons* aforeſaid, as alſo ſuch which hereafter ſhall be duly and lawfully had, celebrate and made, betwixt the perſons which by the Laws of God may lawfully marry.

the Queens Majesties Writ, to the Sheriff of the said County of *Lincoln*, for a new Burgess to be returned into this present Parliament,

Lastly, *Knighton* one of our best and most exactest Historians, tells posterity the ancient ends of calling Parliaments, in the Speeches made by *Tho. de Woodstock* Duke of *Gloucester*, the Kings Uncle, and *Tho. de Arundel* Bishop of *Ely*, to King *Richard* 2d. at *Eltham*, in the 12th. year of his Reign, in the name of the whole Parliament then sitting at *Westminster*, wherein the said Delegates do put that King in mind, *Quod ex antiquo Statuto & Consuetudine laudabili & approbata, &c.* (saith the Historian) That by ancient Statute and Custom laudable and approved, which no man could deny, the King may once in the year convene his Lords and Commons to his Court of Parliament, as to the highest Court of the whole Realm. [*In qua omnis equitas relucere deberet absque qualibet scrupulositate vel nota, tanquam Sol in ascensu meridiei, ubi pauperes & divites pro refrigerio tranquilitatis & pacis, & repulsione injuriarum refugium infallibile querere possent, ac etiam Errata Regni reformare, & de statu & gubernatione Regis & Regni cum sapientiori Concilio tractare, ut Inimici Regis & Regni intrinseci, & hostes extrinseci destruantur & repellantur, qualiter quoque onera incumbentia Regi & Regno levius ad Ediam Communitatis suportari poterunt.*] In which Court (say they) all equity ought to shine forth, without the least Cloud or shadow, like the Sun in his Meridian glory, where poor and rich refreshed with peace and ease of their oppressions, may always find infallible and sure refuge and succour; the grievances of the Kingdom redress'd, and the state of the King and government of the Realm debated with wiser Counsels, the Domestick and Foreign Enemies of the King and Kingdom destroyed and repelled, and to consider how the charges and burthens of both may be sustained with more ease to the people.

ment,

ment, for the ſaid Burrough of *Grantham*, in the lieu and ſtead of the ſaid *Arthur Hall*, *ſo as before diſabled any longer to be a Member of this Houſe.*

And upon another Queſtion it was alſo in like manner Reſolved and Ordered, that the ſaid Book or Libel was and ſhould be holden, deemed, and taken and adjudged, to be for ſo much as doth concern the Errors aforeſaid, condemned.

Which done, the ſaid *Arthur Hall* was brought in again to the Bar, unto whom the Speaker in the Name of the whole Houſe, pronounced the ſaid Judgement in form aforeſaid; and ſo the Serjeant commanded to take charge of him, and convey him to the ſaid Priſon of the Tower, and to deliver him to the Lievtenant of the Tower by Warrant from this Houſe, to be directed and ſigned by the ſaid Speaker for that purpoſe.

Saturday the 18. of *March*. A further Order againſt Mr. *Hall*.

Whereas by a former Order of this Houſe, *Arthur Hall* Eſq; was committed Priſoner to the *Tower* of *London*, there to remain by the ſpace of 6 months, and ſo much longer, as until himſelf ſhould willingly make a general Revocation or Retractation under his Hand in writing, of certain Errors and Slanders, contained in a certain Book ſet forth in Print, and publiſhed in part, greatly tending to the ſlander and reproach of Sir *Robert Bell* Kt. deceaſed, late *Speaker* of this preſent *Parliament*, and of ſundry other particular Members of this *Houſe*, and alſo of the *Power*, *Antiquity* and *Authority* of this *Houſe*, to the ſatisfaction of this *Houſe*, or of ſuch *Order* as this *Houſe* ſhould take for the ſame, during the continuance of this preſent *Seſſion* of *Parliament*, as by the ſame *Order* made and ſet down by this *Houſe*, upon *Tueſday* being the 14th. day of *February* foregoing, in

in this preſent *Seſſion* of *Parliament*, more at large doth and may appear. And where alſo the ſaid *Arthur Hall* hath ever ſince the ſaid *Order* taken, remained in the ſaid *Priſon* of the *Tower*, and yet ſtill doth, and hath not at all made any *Revocation* or *Retractation* of the ſaid *Slanders*, *Errors* and *Untruths*, to the ſatisfaction of the ſaid *Houſe*, according to the ſaid *Order*; It is now therefore *Ordered* and *Reſolved* by this *Houſe*, that the further *allowance* of ſuch *Revocation* or *Retractation* to be hereafter made as aforeſaid, ſhall be *referred* unto the Right Honourable Sir *Francis Knolls* Knt. one of her *Majeſties* moſt Honourable *Privy Councel*, and *Treaſurer* of her *Highneſs*'s moſt Honourable *Houſehold*; Sir *James Croft* Knt. one other of her *Majeſties* moſt Honourable *Privy Councel*, and *Comptroller* of her *Majeſties* ſaid moſt Honourable *Houſhold*; Sir

Hall's Retractation to be referred to a certain Committee.

Chriſtopher Hatton Knt. one other of her *Highneſs*'s ſaid moſt Honourable *Privy Councel*, and *Vice-Chamberlain* to her *Majeſty*; Sir *Francis Walſingham* Knt. and *Thomas Wilſon* Eſq; her *Highneſs*'s two principal *Secretaries*; Sir *Walter Mildmay* Knt. one of her *Highneſs*'s ſaid moſt Honourable *Privy Councel*, and *Chancellor* of her *Highneſs*'s Court of *Exchequer*; and Sir *Ralph Sadler* Knt. one other of her *Highneſs* ſaid moſt Honourable *Privy Councel*, and *Chancellor* of her *Highneſs*'s Dutchy of *Lancaſter*, *being* all *Members* of this *Houſe*, or unto any *three* of them, to be by them or any *three* of them further *Declared* and *Reported* over unto this *Houſe*, in the next *Seſſion* of *Parliament* to be holden after the end of this ſaid *Seſſion* accordingly.

The Committee to Report *Hall*'s Retractation at the next Seſſion of Parliament.

The

The 3d. Case of Arthur Hall *Esq;*

ON *Saturday* the 12th. day of *December*, notice being given to the *House*, of one Mr. *Hall*, a *Member* of the same, that had not attended all this *Parliament*, it was *Ordered*, that the *Serjeant* should give him warning to attend upon *Munday* next.

Anno 27 Eliz. Jour. Dom. Com. Saturday 12 December. Contempt in a Member.

The Serjeant to give warning to Mr. *Hall* tu attend the House.

The *Business* of Mr. *Arthur Hall*, of which the *House* had been informed upon their first *Meeting* this Morning, was before the rising of the *House* referred to Mr. *Wolley*, Mr. *Crumwel*, Mr. *Diggs*, and Mr. *Sands*, to peruse the *Order* touching the same, against *Munday* next, being the day *appointed* by the *House* for the said Mr. *Hall* to *appear* before them.

Chriſtopher Hatton Knt. one other of her *Highneſs*'s ſaid moſt Honourable *Privy Councel*, and *Vice-Chamberlain* to her *Majeſty*; Sir *Francis Walſingham* Knt. and *Thomas Wilſon* Eſq; her *Highneſs*'s two principal *Secretaries*; Sir *Walter Mildmay* Knt. one of her *Highneſs*'s ſaid moſt Honourable *Privy Councel*, and *Chancellor* of her *Highneſs*'s Court of *Exchequer*; and Sir *Ralph Sadler* Knt. one other of her *Highneſs* ſaid moſt Honourable *Privy Councel*, and *Chancellor* of her *Highneſs*'s Dutchy of *Lancaſter*, *being* all *Members* of this *Houſe*, or unto any *three* of them, to be by them or any *three* of them further *Declared* and *Reported* over unto this *Houſe*, in the next *Seſſion* of *Parliament* to be holden after the end of this ſaid *Seſſion* accordingly.

The Committee to Report *Hall*'s Retractation at the next Seſſion of Parliament.

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The 4th. Case touching Arthur Hall *Esq;*

Monday the 21 November, Anno 29 Eliz. An.Dom. 1586

ON *Munday* the 21. day of *November*, (to which *day* the *Parliament* had been on *Friday* the 18th. *day* of the said *Month* foregoing last *adjourned*)

Mr. *Markham's* Complaint against Mr. *Hall.*

Mr. *Markham*, a *Burgess* for the *Burrough* of *Grantham* in the *County* of *Lincoln*, shewed on the *behalf* of the *Inhabitants* of the said *Burrough*, That Mr. *Arthur Hall* having been in some former *Parliaments* returned a *Burgess* for the said *Burrough*, and in some of the said *Parliaments*, for certain *Causes* the *House* then moving, *disabled for ever afterwards to be any Member of this House at all*, hath of late brought a *Writ* against the *Inhabitants* of the said *Burrough* for his *Wages*, (amongst other *times*) in *attendance* at the late *Session* of *Parliament* holden at *Westminster*, in the 27th. *year* of

That he being for ever disabled to be a Member of the House, had notwithstanding brought his Writ against the Inhabitants of *Grantham* for his Wages

of her *Highneſs*'s Reign, during which *time*, as alſo a great part of ſome other of the ſaid former *Parliaments*, he did not *ſerve* in the ſaid *Houſe*, but was for ſome *Cauſes* as aforeſaid *diſabled* to be any *Member* of this *Houſe*, and was alſo then committed *Priſoner* to the *Tower* of *London*, and ſo prayeth the *Advice* and *Order* of this *honourable Houſe* therein; unto the *Cenſure* and *Order* whereof, the ſaid *Inhabitants* do in moſt humble and dutiful wiſe ſubmit themſelves, and ſo ſhewed the ſaid *Writ*, which was then *read* by the *Clerk*; after the *reading* whereof, and ſome *Speeches* had touching the former *Proceedings* in this *Houſe* againſt the ſaid Mr. *Hall*, as well in *diſabling* him to *be* any *more* a *Member* of this *Houſe*, as alſo touching his ſaid *Impriſonment*, the *Matter* was *referred* to further *Conſideration*, after *ſearch* of the *Preſidents* and *Entries* of this *Houſe* heretofore

Who pray the advice and order of the Houſe.

had

had and *made* in the course of the said *Cause*.

Friday the 2d. of December.

On *Friday* the 2d. *day* of *December*, upon a *Motion* this *day* renewed on the *behalf* of the *Inhabitants* of the *Burrough* of *Grantham*, in the *County* of *Lincoln*, touching a *Writ* brought against them by *Arthur Hall* Esq; whereby he demandeth *Wages* of the said *Inhabitants*, for his *Service* done for them in *attendance* at sundry *Parliaments*, being *elected* and *returned* one of the *Burgesses* of the said *Burrough* in the same *Parliaments*; For as much as it is *alledged*, that the said *Arthur Hall* hath been heretofore *disabled* by this *House*, to be at any time afterwards a *Member* of this *House*; and also that in some *Sessions* of the same *Parliaments*, he hath neither been *free* of the *Corporation* of the said *Burrough*, and in some other also hath not given any *attendance* in *Parliament* at all: *It* is *Ordered*, that the *Examination*

tion of the ſtate of the *Cauſe* be *committed* to the *Right Honourable* Sir *Walter Mildmay* Kt. one of her *Majeſties* moſt Honourable *Privy Councel*, *Chancellor* of her *Highneſs*'s Court of *Exchequer*, Sir *Ralph Sadler* Kt. one other of her *Majeſties* moſt Honourable *Privy Councel*, and *Chancellor* of her *Highneſs*'s Dutchy of *Lancaſter*, *Thomas Crumwel*, *Robert Markham*, and *Robert Wroth* Eſquires; to the end, that after due *Examination* thereof by them *had*, (if it ſhall ſo ſeem good to them) they do thereupon *move* the *Lord Chancellor* on the *behalf* of this *Houſe*, to *ſtay* the *granting* out of any *Attachment* or other *Proceſs* againſt the ſaid *Inhabitants* for the ſaid *Wages*, at the *Suit* of the ſaid *Arthur Hall*, and the ſaid *Committees* alſo to *ſignifie* their *Proceedings* therein to this *Houſe*, at the next *Sitting* thereof accordingly.

Referred to a Committee.

With directions if they think good, to move the Lord Chancellor to ſtay the granting of further Proceſs againſt the Burrough.

An

An Order delivered by Mr. Crumwel, *Entred by the Conſent of the Houſe.*

Tueſday the 21. of March.

WHereas upon *Complaint* made to this *Houſe*, upon *Munday* the 21. *day* of *November*, in the firſt *Meeting* of this preſent *Parliament*, on the *behalf* of the *Burrough* of *Grantham*, in the *County* of *Lincoln*, againſt *Arthur Hall* Gent. That the ſaid *Arthur Hall* had commenced *Suit* againſt them, for *Wages* by him demanded of the ſaid *Burrough*, as one of the *Burgeſſes* of the *Parliament*, in the *Seſſions* of *Parliament* holden in the 13. 14. 18. and 23. *years* of the *Reign* of our *Sovereign Lady* the *Queens Majeſty*, wherein it was *alledged*, that the ſaid *Burrough* ought *not* to be *charged*, as well in reſpect of the *negligent attendance* of the ſaid Mr. *Hall* at the ſaid *Seſſions* of *Parliament*, and ſome other *Offences* by him

com-

committed at ſome of the ſaid *Seſſions*, *as alſo in reſpect that he had made promiſe not to require any ſuch Wages.* The *Examination* of the ſaid *Cauſe*, on the 2d. *day* of *December*, in the laſt *Seſſion* of this *Parliament*, by Order of this Houſe, was committed unto Sir *Ralph Sadler* Kt. Chancellor of the Dutchy, Sir *Walter Mildmay* Kt. Chancellor of the Exchequer, *Thomas Crumwel*, *Robert Markham*, and *Robert Wroth* Eſqs. This day Report was made by the ſaid Committees, that not having time during the laſt Seſſion of Parliament, to examine the Circumſtances of the Cauſe, they had in the mean ſeaſon by their Letters advertiſed my *Lord Chancellor*, that the ſaid Cauſe was committed unto them, and humbly requeſted his Lordſhip, to ſtay the iſſuing forth of any further Proceſs againſt the ſaid Burrough, until this Seſſion of Parliament (or Meeting) which accor-

The Ld. Chancellor, at the requeſt of the Committee, ſtays further Proceſs againſt *Grantham.*

cordingly his Lordſhip had very *honourably performed*; and the ſaid Committees did further declare, that having, during this Seſſion of Parliament (or Meeting) ſent for Mr. *Hall*, declared unto him the effect of the Complaint againſt him; they had deſired him to *remit* the ſaid *Wages* which he had demanded of the ſaid Burrough, whom they found very conformable to condeſcend to ſuch their Requeſt; and that the ſaid Mr. *Hall* then alledged and affirmed unto them, that if the Citizens of the ſaid Burrough would have made ſuit unto him, he would upon ſuch their own ſuit then remitted the ſame; ſo was he very willing to do any thing which might be grateful to this Houſe, and did freely and frankly remit the ſame; which being well liked of by this Houſe, it was by them this day Ordered, that the ſame ſhould be entred accordingly.

Mr. *Hall* frankly remits his Wages to the Burrough of *Grantham*.

§. 1:

§. 1. *Mr.* Arthur Hall's *Case stated.*

I. *Anno* 23 *Eliz.* 1580. Mr. *Arthur Hall*, Burgeſs for *Grantham*, for writing a *Book* derogatory to the *Authority*, *Power* and *State* of the *Commons* Houſe of *Parliament*, had *Judgment*, *nemine contradicente.* Ex Journ. Dom. Com.

1. To be *impriſoned* in the *Tower* for 6 months, and from thence till he had made a *Retractation* of his *Book.* Judgment.

2. To be *ſevered* and *cut off* from being a *Member* of *that* or any *future* Parliament. The like Preſident *An.* 3 *Car.* 1. Vid. Journ. Dom. Com.

3. A *Fine* of 500 Marks to the *Queen.*

4. His *Book* and ſlanderous *Libel* adjudged utterly *falſe* and *erroneous.*

II. *Anno* 1 *Jacobi*, 1603. The *Biſhop* of *Briſtol* publiſhing a *Book*, tending to make *diviſion* and *ſtrife*, *wrong* and *diſhoneur*, both Journ. Dom. Proc. & Com. The Biſhop of *Briſtol*'s Caſe.

both to the *Lower* Houſe, and the *Lords* themſelves, was complained of by the Commons to the Lords.

The Earl of *Salisbury* at a Conference between the two Houſes, *rebuked* the Biſhop, *That any man ſhould preſume to ſee more than a Parliament could*; the Biſhop made his Recantation:

1. That he had *erred*.
2. That he was *ſorry* for it.
3. If it were to do *again*, he would *not* do it.
4. But *proteſted*, it was done of *ignorance* and not of *malice*.

Ex Journ. Dom. Proc. & Com. 7 *Jac.* The Caſe of Dr. *Cowell*.

III. *Anno* 7 *Jacobi*, 1609. Dr. *Cowell*, Profeſſor of the *Civil* Law at *Cambridge*, writ a Book called the *Interpreter*, raſhly, dangerouſly, and perniciouſly aſſerting certain Heads, to the *overthrow* and *deſtruction* of *Parliaments*, and the *fundamental* Laws and *Government* of the *Kingdom*.

He

He was complained of by the *Commons* to the *Lords*, as equally *wounded*, who resolved to *censure* his *Errors* and *boldness*: but upon the *interposition* of the King, who declared *that the man had mistaken the Fundamental Points and Constitutions of Parliaments*, promised to *condemn* the *Doctrines* of the *Book* as *absurd*, and *him* that *maintained* the *Positions*, they proceeded no further.

Men despise and reproach those things whereof they are ignorant. It is a desperate and dangerous matter for *Civilians* and *Canonists*, (I speak what I know, and not without just cause) to write either of our *Common* Laws of *England*, which they profess not, or *against* them, which they know not. But their Pages are so full of *palpable Errors*, and *grosse Mistakings* as these new Authors are out of our *Charity*, and their Books out of our *Judgment*, cast away unanswered. *Coke* lib. 10. Lectori.

His *Principles*, with the evident *Inferences* from them, were these:

1. That the King was *solutus à Legibus*, and not bound by his *Coronation Oath*.

2. That it was not *ex necessitate* that the King should call a *Parliament* to make *Laws*, but might do that by his *absolute* power; for *Voluntas Regis* (with him) was *Lex populi*.

3. That it was a *favour* to admit the *consent* of his *Subjects*, in giving of *Subsidies*.

4. The Doctor draws his *Arguments* from the *Imperial Laws* of the *Roman Emperors*; an Argument which may be urged with as great *reaſon*, and upon as good *authority*, for the *reduction* of the *ſtate* of the *Clergy* of *England*, to the *Polity* and *Laws* in the time of thoſe *Emperors*; as alſo to make the *Laws* and *Cuſtoms* of *Rome* and *Conſtantinople*, to be binding and obligatory to the Cities of *London* and *York*.

Blackwood's Caſe. Jour. Dom. Com.

IV. In the ſame *Parliament*, Mr. *Hoskins* a Member of the Commons, produced ſeveral other *Treatiſes* containing as much as Dr. *Cowell's* Book, all ſold *impune*; amongſt the reſt there was one *Blackwood's* Book, which concluded, *Nota.* That we are all Slaves by reaſon of the Conqueſt.

Upon theſe *pernicious* and *falſe principles*, our more *modern* Authors have without *controul* publiſhed to the World, theſe, and many

many more *dangerous* positions, *against* the very *being* and *honour* of *Parliaments*, and *destructive* to the ancient *fundamental Laws*, *Priviledges*, and *Customs* of this *Realm*.

POSITIONS.

1. That originally the *Parliament* consisted only of such as it *pleased* the King to *call*, none having *Right* to come else.

2. That *all* the *Subject* hath, is the *Kings*: and he may *lawfully* at his *pleasure* take it from us, in *regard* he hath as much *Right* to all our *Lands* and *Goods*, as to any *Revenue* of the *Crown*.

3. That the *Saxon Kings* made *Laws* by the *advice* of the *Bishops*, and Wise men, which were *no* other then the *Privy-Councel*.

4. That the *Laws*, *Ordinances*, *Letters Patents*, *Priviledges* and *Grants* of Princes, have *no force* but *during* their *life*, if they be not *ratified* by the expres con-

E contra *Vide* the ancient Rights of the *Commons* of *England* asserted, or a discourse, proving by Records and the best Historians, that the *Commons* of *England* were ever an essential part of *Parliament*.

The Power of Kings, in particular of the Kings of *England*, learnedly asserted by Sir *Robert Filmer* Kt. fol. 1. Printed *An. Dom.* 1680.

ſent, or at leaſt by the *ſufferance* of the Prince *following*, who had knowledge thereof.

What then becomes of the *Peerage* of *England*? what of the *Biſhops*, *Deans*, *Prebends*, and other *dignified* Clergy? what of the *Charters* of all *Corporations*? what of *hereditary Offices*? and what of *Offices* and *Places* for *life*? and laſtly, what becomes of the *Charters* and *Priviledges* of the two moſt famous *Univerſities* of *England*, *Cambridge* and *Oxford*?

5. That *Taxes* and *Subſidies* were raiſed and paid *without* any *gift* of the *Commons*, or of any *Parliament*, in the *Saxon times*; for inſtance, *Danegelt*.

6. For it was matter of *Grace* for the King to call the *Commons* to *Parliament*. Yet afterwards the *Commons* were *called* and made a *Houſe* by the *Biſhops*, in the times of the *Barons War*, the better to *curb* them; yet were they

they *never* called to *conſult*, but only to *conſent*.

7. Yet others deny *that*, and *affirm* that the *Commons* had their firſt *birth* and *beginning* by *Rebellion*, *Anno* 49 *H.* 3. and that *too* after the Battel of *Lewes*, when the *Barons* had the *King* and Prince *Edward* in their *power* as *priſoners*, and exerciſed *Regal Authority* in his *Name*. He reigned 57. years.

8. But this is not agreed *by ſome*, for they ſay, *ab ingreſſu* of *William* the Firſt, *ad exceſſum H.* 3. they cannot find *one word* of the *Plebs* or *Commons* being any part of *Parliament*; hence *another* infers, that the *opinion* is moſt like, who think, That the *Commons* giving their *aſſent* to making of *Laws*, began about the time of *E.* 1.

9. The *Legiſlative* power is *wholly* in the *King*, for the *Statutes* of moſt *antiquity* (according to the phraſe of penning) may ſeem

to be the *meer will and pleasure* of the *King*, assisted with his *Councel*, neither *Lords* nor *Commons* being named: witness, *inter al.* the Statute of *Magna Charta*, 9 *H.* 3. *&c.*

10. Nor did the *Commons* take into *consideration* matters of *Religion*, which was *only* the place and function of the *Lords Spiritual* and *Divines* to determine, and *not at all appertaing* to the *Laity*: *semper excluſis Dominis Temporalibus, & Communitate Regni.*

11. As for the *Priviledges* of the *House of Commons* pretended to, there's *none* to be found *full*, and *firm*, but only their being freed from *Arrests*, and that hardly.

12. They are not *called* to be any *part* of the Common Councel, by the Writ of Summons.

13. Nor to consult *de arduis Regni negotiis*, of the difficult buſiness of the Kingdom.

14. For

14. For the *Writ* ſaith, That the King would have *conference* and *treat* with the *Great men* and *Peers*, but *not a word* of *treaty* and *conference* with the *Commons*.

15. Their *duty* being only *ad faciend. & conſentiend.* to perform and conſent to ſuch things as ſhould be *Ordained* by the Common Councel of the Kingdom.

16. Nor is there ſo much *mention* in the *Writ*, as a *power* in the *Commons* to *diſſent*. [No more is there in the *Lords Writ*, what then?]

17. Until *H.* 7's time the *Commons* were often *petitioning*, but *never* petitioned *to*, and then directed to the *Right Worſhipful Commons*.

18. That until the time of *E.* 6. (who was an *Infant*) for that I ſuppoſe was the pretended *foundation* of the *notion*, it was punctually expreſſed in every *Kings Laws*, that the *Statutes* were *made* by the *King alone*: and then there

began a *dangerous alteration* in the *phraſing* and *wording* of *Acts* of *Parliament*, to the *diſadvantage* of the Crown, and *invading* the Prerogative.

19. Laſtly, for it would be tedious to trouble the *Reader* with *all* their *abſurdities*, *Chimæra's*, and *falſe Inferences* and *Notions* with which they have *ſtuffed* their Books, and *imbroiled* the *Kingdom*, by *impoſing* upon the *underſtanding* of many of the *Clergy* and *Gentry* in the *Nation*; *They* boldly *aſſert*, that the *Kings Prerogative* is a *preheminence* in *caſes* of *neceſſity*, (of which he is the proper and ſole Judge) *above* and *before* the *Law* of *property* and *inheritance*.

And ſo *farewell* all *Parliaments*; and by conſequence, *farewell* all *Laws*.

It is *God* alone who *ſubſiſts* by *himſelf*; the *Right* of *Crowns* and *Kingdoms*, and *all* other things, *exiſt* in mutual *dependance* and *relation*. The *Soveraignty*, *Honours*, *Lives*,

Lives, *Liberties* and *Estates* of *all*, are under the *guard* of the *Law*, which when invaded by *fraud* or *wit*, or destroyed by *force*, a dismal *confusion* quickly veils the face of *Heaven*, and brings with it horrid *darkness*, *misery* and *desolation*; *Rapine*, *plunder* and *cheating*, both private and publick, will be allowed and protected; continual *Rebellions*, unjust *Proscriptions*, villanous *Accusations* and *Whippings*, illegal and lasting *Imprisonments* and *Confiscations*, dismal *Dungeons*, tormenting *Racks* and *Questions*, *Arbitrary* and *Martial Law*, *Murthers*, inhumane *Assassinations*, and base and servile *Flatteries*, multiplied by *Revenge*, *Ambition*, and insatiable *Avarice*, will become the *Common Law* of the *Land*.

All these and *myriads* more will be *enacted* for *Law*, by *force* or *fraud*.

All which that wise King *James* well understood, who saith, That

not

King *James's* first Speech to his first Parliament in *England*, *Pulton's* Stat. 1 *Jac.* cap. 2. fol. 1157.

not only the *Royal Prerogative*, but the *Peoples ſecurity* of Lands, Livings and Priviledges, were *preſerved* and *maintained* by the *ancient* fundamental *Laws*, Priviledges and Cuſtoms of this Realm, and that *by* the *aboliſhing* or *altering* of *them*, it was *impoſſible* but that preſent *confuſion* will fall upon the whole *ſtate* nnd *frame* of this *Kingdom*.

King *Charles* the I. Declaration to all his lovingSubjects, publiſhed with the Advice of his Privy Councel. Exact Collections of Declarations, pag. 28, 29.

And his late *Majeſty* of ever bleſſed memory, *was* of the ſame *mind* and *opinion*, when he ſaid, The *Law* is the *Inheritance* of every *Subject*, and the only *ſecurity* he can have for his *Life* or *Eſtate*, and the which being *neglected* or *diſ-eſteemed*, (under what ſpecious ſhew ſoever) a great meaſure of *infelicity*, if not an irreparable *confuſion*, muſt without doubt *fall* upon *them*.

But to return back.

Journ. Dom. Com. Dr. *Manwaring's* Caſe.

V. *Anno* 3 Caroli *primi*, Dr. *Manwaring* was *impeached* in *Parliament*

liament by the *Commons*, for *preaching* and *printing* ſeveral *Sermons*, with a *wicked* and *malicious* intention to *ſeduce* and *miſguide* the *Conſcience* of the *King*, touching the *obſervation* of the *Laws* and *Cuſtoms* of this *Kingdom*, and the *Rights* and *Liberties* of the *Subjects* thereof, and to *incenſe* his *Royal* Diſpleaſure *againſt* his *Subjects*, and to *ſcandalize*, *ſubvert* and *impeach* the good *Laws* and *Government* of this *Realm*, and the *Authority* of the *High* Court of *Parliament*, to *alien* his Royal *Heart from* his *People*, and to *cauſe* Jealouſies, Seditions and Diviſions in the *Kingdom*: Whereupon he had *Judgment*,

Juratores præſentant quod Richardus Empſon *naper de* London *miles nuper Conſiliarius excellentiſſimi Principis* Henrici *nuper Regis* Angl. 17. *die* Maii *Anno Regni dicti nuper Regis* 12. *& diverſis vicibus antea & poſtea apud* London *in Parochia ſanctæ* Brigettæ *in Warda de* Farrington extra, *Deum præ oculis non habens, ſed ut filius diabolicus ſubtiliter imaginans honorem, dignitatem, & proſperitatem dicti nuper Regis, ac proſperitatem Regni ſui* Angliæ *minime valere, ſed ut ipſe magis ſingulares favores dicti nuper Regis adhiberet, unde magnat. fieri potuiſſet, ac totum Regnum* Angliæ, *ſecundum ejus voluntatem gubernaret falſo deceptivè & proditoriè legem* Angliæ, *ſubvertens diverſos ligeos ipſius nuper Regis, ex ſua falſa covina, & ſubtili ingenio, contra communem legem Regni* Angliæ. Anderſon's 1. *Rep. fol.* 156.

1. To

Vide Rushworth's *Collections, fo.* Judgment against the Doctor. Journ. Dom. Procerum.

1. To be *imprisoned* during *pleasure* of the *House* of *Lords*.

2. Was *fined* a 1000 *l.* to the *King*.

3. To make such *submission* and *acknowledgment* of his *Offences* in *writing*, both there and at the *Bar* of the *Commons House*.

4. *Suspended* for the term of 3 *years*, from *exercising* the *Ministry*.

5. For ever *disabled* to *preach* at *Court*.

6. That he should be for ever *disabled* to have any *Ecclesiastical Dignity*, or *Secular Office*.

7. That his said *Books* were worthy to be *burnt*; and that for the better *effecting* of that, his *Majesty* was to be *moved* to *grant* a *Proclamation* to *call* them in, to be *burnt* in *London*, and both the *Universities*, and to *prohibit* their *Reprinting*.

This was the *Judgment* of the *Lords*.

The *Doctor* made his *submission* upon

upon his *knees*, first at the *Bar* of the *House of Lords*, and after on his *knees*, at the *Bar* of the *House of Commons*: His *Submission* was this,

I do here in all sorrow of heart and true repentance, acknowledge those many Errors and Indiscretions which I have committed, in preaching and publishing those two Sermons of mine I call Religion and Allegiance, *and my great fault in falling upon this Theam again, and handling the same rashly, scandalously and unadvisedly, in mine own Parish-Church in* St. Giles in the Fields, *the 4th. of* May *last past; I do humbly acknowledge those three Sermons of mine, to be full of many dangerous passages and inferences, and scandalous aspersions, in most parts of the same.*

The Doctor's Submission.

And I do humbly acknowledge the Justice of this Honourable House, in that Sentence and Judgment pass'd upon me for my great offence;

Ex Agupeto *Diacono.* Assentatores à Regibus tanquam pestis vitandi 12. nam non utilia consulunt, sed quæ placent 22. 31. sic *Diogenes* rogatus quænam bellua pernicioſiſſime morderet ex feris inquit obtrectator ex cicuribus vero adulator.

offence; and I do from the bottom of my heart crave pardon of God, the King, this Honourable House, the Church, and the Commonwealth in general, and those worthy Persons reflected upon by me in particular, for these great Errors and Offences. Roger Manwaring.

The Lords order the Bishop of *London* to suspend the Doctor.

After all which, the Lords ordered the Bishop of *London* to suspend him, according to the Clause expressed in the part of the Judgment against him.

The *Doctor* after got a *Pardon*, and was made a *Bishop*, which occasioned great *Disturbances* in the *House* of *Commons*, in 4 *Car.* 1.

The Charge *and* Articles *against the* Doctor, drawn *out of his* own *Books.*

Article I.

1. That his *Majesty* is *not* bound to *keep* and *observe* the *good*

good Laws and *Cuſtoms* of the *Realm*, concerning the *Right* and *Liberty* of the *Subject*, to be *exempted* from *all* Loans, Taxes, and other Aids laid upon them, without *common* Conſent in *Parliament*.

2. That his *Majeſties* Will and *command* in *impoſing* any *charges* upon his *Subjects*, without ſuch *conſent*, doth *ſo* far *bind* them in their *conſciences*, that *they* cannot *refuſe* the *ſame* without peril of *eternal* damnation.

Article II.

1. That theſe *Refuſers* had offended *againſt* the *Law* of *God*.

2. Againſt the *Supreme* Authority.

3. By ſo *doing* were become *guilty* of *impiety*, *diſloyalty*, *rebellion*, *diſobedience*, and *liable* to many *other* Taxes.

Article III.

1. That *Authority* of *Parliament* is not *neceſſary* for the *raiſing* of *Aids* and *Subſidies*.

2. That

2. That the *ſlow* proceedings of *ſuch* Aſſemblies, are *not* fit to ſupply the *urgent* neceſſity of the *State*.

3. That *Parliaments* are *apt* to produce *ſundry* impediments to the *juſt* deſigns of *Princes*, and to give them *occaſion*, of *diſpleaſure* and *diſcontent*.

It was a ſaying of *Themiſtius* in his Conſular Oration to *Jovinian* the Emperor, that *Some Biſhops did not* worſhip *God, but the Imperial* purple.

This *Dr. as I ſaid before*, after this ſo ſolemn a *Judgment*, did in the time of Prorogation, between 3 & 4 *Car.* 1. get a *Pardon*, and not only ſo, but the *Biſhoprick* of St. *Davids*; which occaſioned great *debates* and *diſturbances* in the *Parliament* when they reaſſembled again, the *power* and *validity* of his *Pardon* being brought in *queſtion*, and ſeveral times *argued*: but the diſſolution of the *Parliament* put an end to the diſpute for that time. But

But in the Parliament before the Long Parliament of 1640. the *Lords* highly reſented it, as may appear by following proceedings.

This day was read the *Declaration* of the *Houſe of Commons* made *tertio* Caroli *Regis*, againſt Dr. *Manwaring*, ſince Lord Biſhop of St. *Davids*, and likewiſe the *Sentence* pronounced againſt him by the *Lords Spiritual* and *Temporal* in the High Court of *Parliament*, which is committed to the conſideration of the *Lords* of the *Grand Committee* for Priviledges; and it was *moved*, that what can be alledged on the Lord Biſhop of St. *Davids* part, either by *Pardon*, *Licenſe*, or *otherwiſe*, that it may be *produced* and *ſeen* at the ſitting of the *Lords Committees*, for their full and clear underſtanding, and better expedition in the buſineſs. Journ. Dom. Proc. die Sabbathi, 18 die *April.* 16 *Car.* I

Having taken into conſideration the buſineſs concerning Dr. *Manwaring*, it was *ordered*, that 21 April. 1640.

upon *Munday* next the *Records* be brought into the Houſe, that the *Houſe may determine the Cauſe touching Dr.* Manwaring.

27 April. 1640 The buſineſs appointed this day concerning Dr. *Manwaring*, is referred until to morrow morning, *viz.* 28 *Aprilis*.

28 April 1640. The *Lord Keeper* by *command* from his *Majeſty* was to let their Lordſhips *know*, that his *Majeſty* had *underſtood* that there was ſome *queſtion* concerning Doctor *Manwaring* now Biſhop of Saint *Davids*, and *that his Majeſty had given command that the ſaid Dr.* Manwaring *ſhall not come and ſit in Parliament, nor ſend any Proxy to the Parliament:* thereupon it was ordered to be *entred* ſo.

And between that and the next Parl. as I am informed, he died.

Journ. Dom. Com. 3 *Car.* 1. Dr. *Mountague's* Caſe.

VI. *Anno* 3 *Caroli primi*, Dr. *Mountague* was complained of in the *Houſe* of *Commons*, for *writing* and *publiſhing* ſeveral *Tenents*, tend-

tending to * *Arminianiſm* and *Popery, and that he had committed a contempt againſt the Houſe.*

* Heli *the Prieſt, who teaching from without,*
Corrupted Faith, bound under Laws of might;
Not feeling God, but blowing him about,
In every ſhape and likeneſs but the right.

We are to deſire to conform our ſelves to former *Parliaments*; this *Cauſe* began here, 21. *Jac.* and then it was commended to the *Archbiſhop*; But after it was ſo far from *cure*, that another *Book* of *Appeal* came out, and the *Parliament*, 1 *Caroli* ſent to the *Archbiſhop* to know what he had done; who ſaid he had given *Mountague Admonition*, and yet he *Printed* that *ſecond Book* without his *conſent*, and ſo it was then debated; *and the Houſe Voted that he had done a contempt to the Houſe of Commons, and that it diſturbed the Church and Commonwealth.*

Since that they find that *Book* was countenanced, and defended by *Biſhops*, and others.

At the laſt *Parliament* the *Houſe* again

* The *Dr.* Writ and Publiſhed ſeveral *Tenents*, tending to *Arminianiſm* and *Popery*.

* Lord *Brook* (friend to Sir *Phillip Sidney*) in his *Alaham*.

Had done a contempt to the *Commons* and diſturbed the *Nation*, 1 *Car.* Voted.

2 *Car.* reſolved by that Parliament that he had Sowen *Sedition*,

And endeavoured to reconcile us to *Rome*.

again took it into *consideration*, and *Voted* that *Mountague had sowed Sedition, and Endeavoured to Reconcile us to* Rome.

Articles against *Mountague*.

Now it was thought good that an addition should be made to the *Articles* against *Richard Mountague* Clerk.

First, That he about 21. *Jac. Printed* a *Book* called a *Gag for the Puritan*, and about the 22. *Jac.* the *Treaty of the Invocation of Saints*, and 1 *Caroli*, an *Appeal to Cæsar*, in every of which he affirmed divers Opinions, contrary to the *Articles* of *Religion*, and by his so doing, hath *broke* the *Laws*, and *disturbed* the *Peace* of the *Church*.

He said that the *Church* of *Rome*, had ever remained *firm* in their *Doctrine*, and that the *Sacrifice* of *Masses*, *&c.*

And also that *contrary* to his *Duty* and *Allegiance*, under the name of *Puritans*, he had laid vile *Aspersions* on divers conformable Persons. And

And alſo he *labours* to *draw* Men to *Popery*, by *ſubtile* and *ſecret ways*.

His *Appeal* hath *divers* paſſages that are *contumelious* to his Majeſties *Father* King *James*, and to divers Worthy and Learned Divines.

For all which the *ommons* Pray he may be *Puniſhed*, for thus *diſturbing* the *Peace* of the *Church* and *State*.

Two cautions are obſerved; firſt, we meddle not with Inferences and Collections, but with immediate contradictions to the *Articles* of Religion, and the *Book* of *Homilies*; alſo he is not charged with *opinions* contrary to the *Divines* of *England*.

He recites the *Articles* as if we may depart away from grace the word (away) is not in the *Articles*.

Alſo the *Articles* do not ſay that Men juſtified may fall away from that State; As for the *Ho-*

milies, for the word (*away*) he puts in *fall away*.

Alſo he ſeems to make *difference* between the *Church* in *foreign* Parts, and the *Church* of *England*.

As for his charge of *Sedition*, it is clear by *dividing* the Kingdom under the name of *Puritans*, labouring to bring his *Majeſty* in *jealouſie* with his *Subjects*, and to ſtir up *others* in hatred againſt ſuch.

Firſt, he lays the name of *Puritans* upon the Kings Subjects, that are dutiful and honeſt Subjects. In truth at the firſt this word was given to them that ſevered themſelves from the *Church*; but he ſays there are *Puritans* in *heart*, and *Puritans* in *Doctrine*, as of *Predeſtination* and *Reprobation*.

Alſo this diviſion and aſperſion is *new*, and under this *name* he comprehends ſome of our *Biſhops*.

Alſo

Alſo he labours to bring *thoſe* perſons into diſlike with his Majeſty, as *dangerous* perſons; he ſays they are a *potent* Faction, that *Authority* is a *mote* in their *eye*, and they are *cunning* and *active* men. And he concludes, *Domine Imperator defende me gladio, & ego te defendam calamo.*

Alſo he labours to bring them in *ſcorn*; in his *Appeal*, they hold the *Croſs* of *Chriſt* in as great deſpite as *Julian.*

Alſo he withdraws the *Subjects* from their *Religion* to *Popery*, and he introduceth thoſe miſchiefs that the *Law* ſeeks to prevent. By the Law 1 *Eliz.* and other *Statutes*, it is *Treaſon* to *withdraw* any from the *Religion* eſtabliſhed; but he *cunningly* infuſeth *Popery.*

He ſaith, the *points* of *Controverſie* between *Us* and the *Papiſts*, are *Arbitrary*, and that we and they *aſſent* in ſome *Opinions*, as in the point of *Free-will*; that their *Opinions* and ours are all *one*;

and for the *point* of *real Presence*, for which so many have *suffered* death, *he* saith, that they *jangle* without *cause*.

Also it was desired, that those *Absurdities* and *Consequences* we lay upon the *Papists*, for the point of *Free-will*, may be *spared*, and that *they* are *Bugbears*, &c.

And for *converting* men to *Popery*, he speaks favourably of the *Pope*; that *he* is the *first* and *greatest Bishop*, and fit to *determine Controversies*; and that the *Pope* is not Antichrist, he spends a whole Chapter in that; and that the *Romish* Church is part of the *Catholick* Church, *we* mention in our Creed; and for Popish *Ceremonies*, he commends and approves *Pictures* in *Churches*; and so for the *Cross* he saith, *Caro signetur ut anima.*

Also he labours to reconcile *Papists* and *Us*; whereas if we offer *Composition*, we *lose* or part with *somewhat*. Also *he* lays

Scan-

Scandals on *us*, and our *Doctrine*, that there is no *certainty* in our *points* of difference, and that our *Divines* themſelves *differ*.

Alſo he favours thoſe Practices that have been uſed by the King's Enemies: A *Spaniard* ſaith, Nothing is better for the ruine of the *Engliſh*, than to *eſtabliſh* a *Faction* amongſt *them*, which he labours to effect. *Campanella* de Monar. *Hiſpan.*

His Tenents *Diſhonourable* to K. *James*, who was diligent to prevent *Arminianiſm*; *now* he *labours* to *diſcredit* the *Synod* at *Dort*. Alſo K. *James* in his *learned* Works proves the *Pope* to be *Antichriſt*; but *Mountague* ſaid, he never had a *probable* Argument thereof.

Alſo he puts *Diſgraces* on *Proteſtant* Divines, that *Calvin*, *Perkins*, and *Beza*, are *Dictators*; and that *Beza* doth Puritanize; and Dr. *Whitacre*, that he was a man of their ſide.

His *prophaneneſs* in ſpeaking of *Preach-*

Preaching, and other *Exercises* of *Religion*; in preaching in *Pulpits* they brawl, *&c.* and Conferences after Sermons, he calls them *Prophetical* Determinations, and to chew the Cud as after Lectures, *Bible*-bearers, *&c.*

It was *Ordered*, That the *Articles* be presented to the *Lords*, and that *Mountague* be *transmitted* to the *Lords*.

After which, the *Parliament* was *Prorogued* to the 4th *year* of that *King's* Reign, where the *Commons* were upon him again, and *questioned* a *Pardon* he had *got* in the time of *Prorogation*; but shortly after the *Parliament* was dissolved.

§. 2. *Some Presidents wherein the House of Commons have for misdemeanors turned out and discharged their Members.*

Jour. Dom. Com. Anno 27 Eliz. Dr. *Parry's* Case.

I. ANno 27 *Eliz.* Dr. *Parry* for several *misdemeanors* and *crimes*,

crimes, was *disabled* to *be* any longer a *Member* in the *House*.

II. *An.* 18 *Jac.* Sir *Giles Mompesson* for being a *Monopolist*, and for *other* great and *insufferable crimes* by him committed, to the *abuse* of his *Majesty*, and grievous oppression of the *Subjects*, was

Journ. Dom. Com. 18 Jac. Sir *Giles Mompesson*'s Case.

1. Turned out of the *House*.
2. Committed to the *Tower*.

And after *Impeached* before the *Lords*, who gave *Judgment* upon him:

1. To be *degraded* of the Order of *Knighthood*.

Journ. Dom. Proc. 18 Jac. The Lords Judgment againw him.

2. To stand *perpetually* in the *degree* of a person *Outlawed* for *Misdemeanors* and *Trespasses*.

3. His *Testimony* never to be *received* in any *Court*, nor to *be* of any *Inquisition* or *Jury*.

4. To be *excepted* out of *all* general *pardons*.

5. That he should be *imprisoned* during his *life*.

6. Not to *approach* within 12. miles

miles of the *Courts* of the *King* or *Prince*, nor at the *Kings* high Court uſually held at *Weſtminſter*.

7. That the *King* ſhould have the *profits* of his *Land* for *life*, and all his *Goods* and *Chattels*, and ſhould be *Fined* at 10000 *l.*

8. He was alſo *diſabled* to *hold* or *receive* any *Office* under the *King*, or for the *Commonwealth*.

9. And laſtly, *ever* to be *held* an *Infamous* perſon.

III. And in the *Parliament* 19 *Jacobi*, Sir *John Bennet* Knight, one of the *Members* of the *Houſe*, having been *accuſed* for *Corruption*, in *receiving* divers * *Bribes* in

Journ. Dom. Com. 19 *Jac.* Sir *John Bennet's* Caſe.

Illos extollimus, qui fraudibus ac dolis divites facti ſunt, eos patres legum, Juſtitiæ fontes, ſapientiæq; theſauros appellantes, O inconcuſſa Dei juſtitia, quamdiu hæc pateris? ab horum igitur ſcholis, in quibus non ſat ſcio an de veritatis inventione, an potius de lucri ſpe major ſit diſceptatio, prodeunt Judices, Præſides, atq; Miniſtri, manibus tenacibus, oculis impudicis, effrenata libidine, lapideis cordibus, ficta gravitate, lingua melliflua, ſed dentibus virulentis, & breviter auri inſatiabili fame. Cardan. libro de utilitate ex adverſis capienda. Cap. de Temporum & Magiſtratuum pravitate, p. 649.

the

the *execution* of his *judicial* place of *Judge* of the *Prerogative* Court of *Canterbury*: All which was proved to the full ſatisfaction of the Houſe.

Ordered by the *Commons Houſe* of Parliament,

1. That a *Warrant* ſhould iſſue under Mr. *Speakers* hand, directed to the *Sheriffs* of *London* and *Middleſex*, for the ſafe *keeping* of the ſaid Sir *John Bennet*, until they ſhall *receive* other directions from the *Lords*; to whom the *Commons* had reſolved to *prefer* an *Impeachment* againſt *him*.

2. That *he* be put *out*, and no longer to *continue* a *Member* thereof.

3. That a *Warrant* be made for a *Writ* for a *new* choice for the *Univerſity* of *Oxford*.

IV. In the ſame *Parliament*, the *Commons Houſe* of *Parliament* for that Sir *Robert Floyd* had been a *projector* of a *Patent* for a *Monopoly*, Journ. Dom. Com. 19 *Jac.* Sir *Robert Floid's* Caſe.

nopoly, being a *general* grievance both in the *original creation*, and in the *execution*:

Turned out for being a Monopolist.

Resolved *una voce*, That the said Sir *Robert Floyd* was a person *unworthy* to continue a *Member* of this *House*, and *adjudged* him presently to be *put* out.

Journ. Dom. Com. 3 *Car.* 1. Mr. *John Barbour*'s Case.

V. *Anno* 3 *Car.* 1. Mr. *John Barbour* a *Lawyer*, and *Recorder* of the City of *Wells*, for *subscribing* a *Warrant* for the *quartering* of *Souldiers*; though he pleaded *fear*; yet *because* he would rather not lose his *Place* than *do* Justice, he was thought *unfit* to make *Laws*, that *violates* the *Laws*, his *fault* being *aggravated* by his *profession*; he had done well to have remembred 11 *R.* 2. when *Belknap* amongst other *Judges* gave his *Opinion* for *fear*, *unwilling* to *lose* his *Cushion*; when he came home he could not sleep, but said, *I deserve three H. H. H. a Hurdle, a Halter, and a Hangman.*

man. 1 *H.* 4. a Law was made, that *fear*, much leſs *Ambition* or *Avarice*, ſhould be no good *Plea*, there being no hope of a Coward. This *may* ſerve as an *Almanack* for the *Meridian* of *England*. This Example will prove more and try more than 20 points of Doctrine; it will ſtrike fear, *circumſpecta agatis*.

Mr. *Barbour* was called in to anſwer for himſelf, and after withdrew, and Ordered,

1. That Mr. *Barbour* be ſuſpended the Houſe, and ſequeſtred, till the pleaſure of the Houſe be known. The Order of the Commons againſt *Barbour*.

2. That a Committee examine the Cauſe, and that no motion be made till that be done.

3. And the Order was ſignified to Mr. *Barbour* by the Serjeant.

§. 3.

§. 3. *Some Presidents for punishing persons that were no Members of the House, for contempts and misdemeanors.*

Journ. Dom. Com. 4 E. 6. Criketoft's Case.

I. *Anno* 4 *E.* 6. *Criketoft* for *confederating* in the *escape* of one *Floud*, was *committed* to the *Tower*, and afterwards discharged *paying* his *Fees*.

Journ Dom. Com. 1 *Jac.* Complaint that a Yeoman of the Guard who kept the door of the Lobby of the Upper House, against several of the Members of the House of Commons.

II. Complaint was made by Sir *Herbert Croft*, of *Bryan Tash* a Yeoman of his Majesties Guard, for *keeping* out of the *doors* of the *Upper House*; and Sir *Herbert* himself, and some others of the *Commons* offering to come in, he *repulsed* them, and shut the *door* upon them, with these uncivil and contemptible terms, *Goodman Burgess you come not here.*

The *Question* moved in this was, that for so great *contempt*, whether the *House* of it self should proceed to *punish*, or *Address* them-

themſelves to the *proper* Officer the *Lord Chamberlain*, Captain of the Guard, *&c.* And ſo was left for this day.

A *Preſident* of the like *contempt* by a Gentleman-Uſher, *remembred* to have been *queſtioned* in this Houſe in a *Parliament* in her *Majeſties* time.

This day the *contempt* of the *Yeoman* of the *Guard* was again *remembred*, and *propounded* as *meet* to be left to the *examination* and report of the *Committee* for *Returns* and *Priviledges*. But herein an *Honourable* perſon, and a *ſpecial* Member of the *Houſe*, interpoſed his *advice*, that there might be ſome *moderate* courſe taken with *reſpect* to his *Majeſties* Service, and to the *eminent* and *honourable* Officers whom it might concern: which *induced* the *Houſe* thus far to be *pleaſed*, that the *Offender* the *next* day ſhould *appear* and *anſwer* his *contempt* at the *Bar*, with *caution* and on *pur-* 22 Martii. 1603

poſe (which the Houſe did then utter) that if he ſeemed to *underſtand* his own *offence*, and be *ſorry* for it, and would *ſubmit* himſelf to the *pleaſure* and *mercy* of the *Houſe*, praying *pardon* and *favour*, they would *remit* and *diſcharge* him; and the *Serjeant* was commanded to *attend* the ſaid Order for his *appearance*.

Taſh brought to the Bar, ſubmits, and is pardoned, paying Fees.

Bryan Taſh a *Yeoman* of the *Guard*, for his *contempt* to the *Houſe*, being in the *cuſtody* of the *Serjeant*, and brought to the *Bar*, upon his *ſubmiſſion* and *confeſſion* of his *fault*, Mr. *Speaker* pronounced his *pardon* and *diſmiſſion*, paying the ordinary *Fees* to the *Clerk* and *Serjeant*; and in the name of the *Houſe* gave him *advice* and *warning*, for his *better* care and carriage hereafter, upon any the like occaſions, in the courſe of his Service and Attendance.

III. *An.*

III. *Anno* 18 *Jac.* The *Commons House* of *Parliament* adjudged Sir *Francis Mitchell*, a Lawyer, to be prisoner in the *Tower*, for his many *misdemeanors* in and about the *procuring* of a *Patent* concerning the *Forfeitures of Recognizances*, and of *Alehouse-keepers*; and further ordered, that a *Serjeant at Arms* should forthwith take him into his *custody*, and that at two of the clock that Afternoon, should carry him *on foot* through *London-streets* unto the *Tower*, there to be delivered to the *Lieutenant*.

Journ. Dom. Com. 18. *Jac.* Sir *Francis Mitchell*'s Case.

Committed to the Tower.

Carried on foot through *London*-streets.

After which the *Commons* impeached him before the *Lords*; who having *examined* his *arbitrary acts*, great *crimes*, and intollerable *villanies*, by *Imprisonments* and the *ruine* of many Families, all *proved*, as may be seen in the *Lords Journal*.

After impeached by the Commons before the Lords.

The *Lords* agreed of the Sentence of Sir *Francis Mitchell*, sent a Message unto the *House of Com-*

Journ. Dom. Proc. 18 *Jac.* The Lords send to the Commons,

mons, that the *Lords* have proceeded againſt Sir *Francis Mitchell* upon the *complaint* of the *Commons*, and they have found him guilty of many *exorbitant* offences, and are ready to give *Judgment* againſt him, *if they with their Speaker will come to demand it.*

That they are ready to give Judgment againſt *Mitchell*, if they would come and demand it.

Anſwered, They will come accordingly with all convenient ſpeed.

In the mean time the *Lords* put on their *Robes*.

The *Commons* being come, and the *Speaker* at the *Bar*, after low obeyſance he ſaid,

The Commons by their Speaker demand Judgment againſt Sir *Francis Mitchell*.

There was heretofore related unto your *Lordſhips* by the *Houſe of Commons*, a *complaint* of *many grivances* againſt Sir *Giles Mompeſſon*, and Sir *Francis Mitchell*, for *many offences* committed by them, committed *againſt* the *King* and the *Commonwealth*: your *Lordſhips* have proceeded with *Mompeſſon*, and given *Judgment* alſo

alſo againſt him; underſtanding you are ready to pronounce *Judgment* alſo againſt the ſaid Sir *Francis Mitchell*, *I the Speaker, in the name of the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament, do demand and pray that Judgment be given againſt him the ſaid Sir* Francis Mitchell, *according to his demerits.*

The *Lord Chief Juſtice* pronounced the Judgment, *in hæc verba.* Mr. *Speaker*, the Lords Spiritual and Temporal have taken into due conſideration the great care and pains taken by the Commons, to inform their Lordſhips of the great Complaints, and the qualities and natures thereof, preſented unto them againſt the ſaid Sir *Francis Mitchell*, and others; whereof their Lordſhips being well prepared by them to the true underſtanding of the ſame, and thereupon have proceeded to the perfect diſcovery

The Lord Chief Juſtice pronounceth the Judgment.

thereof, by examination of divers Witneſſes upon Oath, do find thereby Sir *Francis Mitchell* clearly *guilty* of many great *crimes* and *offences* againſt his *Majeſty* and the *Commonwealth*, and have reſolved at this time to proceed to *Judgment* againſt him for the ſame: And therefore the *Lords Spiritual* and *Temporal* of this *great* and *high* Court of *Parliament*, do *award* and *adjudge*,

The Judgment of the Lords againſt Sir *Francis Mitchell.*

1. That the ſaid Sir *Francis* ſhall *ſtand* and *be* from henceforth *degraded* of the *Order* of *Knighthood*, with reſervation of the *dignity* of his now Wife and Children, and the ceremony of *degradation* to be performed by direction of this Court, to the *Earl Marſhals* Court.

There was a Clauſe in Patents of Monopolies, whereby power was given to impriſon, and hundreds were committed by colour thereof to *Finsbury* Gaol, and the *Fleet.*

2. That he ſhall be *impriſoned* during the *Kings* pleaſure in *Finsbury Gaol*, in the *ſame* Chamber there which he *provided* for *others*; the *Tower* where he now remaineth, being a *Priſon* too *worthy* for *him*.

3. That

3. That he ſhall undergo a *Fine* of 1000 *l.*

4. That he ſhall be *diſabled* to *hold* or *receive* any *Office* under the *King*, or for the *Commonwealth*.

IV. *Anno* 18 *Jac.* The *Commons* after a Conference with the *Lords*, referred the *Bailment* of *Matthias Fowles*, *George Geldard*, and other *Priſoners*, who had been *infamous* Agents for *Mompeſſon* and *Mitchell*, and by them *tranſmitted* to the *Lords*, (the *Parliament* being to be adjourned for ſome time) the opinion of the *Commons* was, that the *Gaol* was the beſt *Bail* for them. Journ. Dom. Proc. 18 *Jac.* *Fowles, Geldard* and others committed.

V. *Anno* 20 *Jac.* Dr. *Harris*, Miniſter of *Blechingley*, who had *miſbehaved* himſelf by *Preaching*, and *otherwiſe* with reſpect to Election of *Members* of *Parliament* there, and being complained of in the *Houſe*, and referred to a Journ. Dom. Com. 20 *Jac.* Dr. *Harris's* Caſe.

Committee; the *Committee* was clearly satisfied that it was a *high* and *great* Offence; they are of *opinion* he should be *called* to the *Bar* as a *Delinquent*, to be *admonished*, and to *confess* his *fault* there and in the *Countrey*, and *in the Pulpit of the Parish-Church, on Sunday seven-night before the Sermon.*

To recant in the Pulpit.

The Doctor was brought to the *Bar*, and *kneeled*; the *House* agreed with the *Committee*, and *Mr. Speaker pronounced* Judgment upon him *accordingly*.

Journ. Dom. Com. 3 *Car.* 1. Mr. *Burgesse*, a Minister, his Case.

VI. *Anno* 3 *Car.* 1. Mr. *Burgesse*, a *Minister* in *Oxfordshire*, who had *abused* his *Function* in the *duty* of *Catechizing*, by making an *Interlude full* of *blasphemous* Speeches; and *also* in a *Sermon*, which was made *only* to traduce the *Puritans*, was *sent* for by a *Messenger*; being brought to the *Committee*, *refused* to answer, for which he was committed:

1. To

1. To the *Tower*.

2. After *petitioned* for his deliverance, and *humbly* submitted; whereupon he was *delivered* out of the *Tower*.

VII. In the same *Parliament*, Sir *William Wray*, Mr. *Langton*, Mr. *John Trelawnie*, and Mr. *Edward Trelawnie*, being *Deputy-Lieutenants* of the *County* of *Cornwall*, assumed to themselves a *power* to make whom *they* only pleased, *Knights* of the *Shire*, defamed Sir *John Elliot*, and Mr. *Corriton*, who stood to be chosen, *sent* up and down the *Countrey* Letters for the *Trained-bands* to appear at the day of Election, *menaced* the *Countrey*, under the title of his Majesties *pleasure*.

Journ. Dom. Com. The Case of Sir *William Wray*, M. *Langton*, Mr. *John Trelawnie*, and Mr. *Edward Trelawnie*.

It was Ordered,

1. That Mr. *Langton* and Mr. *John Trelawnie* be *committed* to the *Tower*, for their *Offence* done to the *House*, there to remain during the pleasure of the *House*, and that

The Judgment of the Commons.

that they make a *ſubmiſſive* acknowledgment of their *Offences*.

2. And Sir *William Wray*, and Mr. *Edward Trelawnie*, be *committed* to the *Serjeant*, and ſo to remain till they make their *Recognition* in the *Houſe*.

The Commons Houſe of Parliament adjudge them.

After all which, the *Queſtion* was, whether the Gentlemen ſhould make the *Recognition* at the *Aſſizes* in *Cornwall*, or no: And it was Ordered,

To make ſubmiſſion in the Countrey at the Aſſizes.

That the *Recognition* and *Submiſſion* ſhould be made in the *Countrey*; and a *Committee* was appointed to draw the *Recognition*, and they were ſent to the *Tower*.

The *four* Gentlemen were called in to the *Bar*, and the *Speaker* pronounced the *Judgment* upon *them*, all that while they *kneeled*.

Journ. Dom. Com. 3 *Car.* 1.

VIII. *Anno* 3 *Car.* 1. Sir *Thomas Wentworth* reporteth the Buſineſs, concerning the *Toll* granted

ted to *Levet* for ---- *Bridges* in *Yorkshire*, to him and his Heirs, to be holden in Soccage of *East-Greenwich*, at 20 *s.* Rent, with power to seize Goods, *&c.*

Levet, for executing a Patent in time of Prorogation, which was adjudged a Grievance by the House in the last Session, ordered to be sent for by the Serjeant at Arms.

No Grant hereof till 10 *Jac.* nor any fruit thereof till 15 *Jac.* the *Bridge* anciently in good repair, *some* particularly bound to *repair* it.

This *Patent* adjudged by the Committee a Grievance to the Subject, both in the original *Creation* and *Execution.*

Upon Question so adjudged here: Ordered upon Question,

Journ. Dom. Com. 4 *Car.* 1. The Parliament prorogued.

That *Levet*, that hath peremptorily *exercised* a Patent, here *condemned* the last *Session*, for taking Toll at ---- *Bridges* in *Yorkshire*, shall be *sent* for by the *Serjeant* at *Arms* attending upon this *House.*

IX. *Anno* 4 *Car.* 1. Mr. *Rolls* a Merchant, and a *Member* of the *House*, informed the *House* that his *Goods*,

Journ. Dom. Com. 4 *Car.* 1. The Officers of the Custom-house.

Goods were seized by the *Customers* for *refusing* to pay the *Customs* by them *demanded*, *although he told them he would pay what was adjudged to be due by Law.*

It was *ordered*, that the *Officers* of the *Custom-house* should be sent for.

Journ. Dom. Com. 4 *Car.* 1. The Case of *Acton*, Sheriff of *London*, for contempt in prevaricating in his Testimony.

X. Sir *John Elliot* reported from the *Committee* for the *Examination* of the Merchants business, That the *Committee* finding *Acton* Sheriff of *London* in *prevarications* and *contradictions*, in his *Examination*, which being conceived to be a *contempt* to the *House*, he desires he might be sent for to answer his *contempt*.

Mr. *Goodwyn*. The *Sheriff* acknowledgeth his *error*, and *humbly* desireth so much favour, that he may once again be called before the *Committee*, and if he give not full *content* by his *answer*, he will refer *himself* to the *wisdom* and *justice* of the *House*.

Sir

Sir *Walter Earl* ſeconded this *motion*, ſo did Alderman *Manſon*, Secretary *Cook*, Chancellor of the Dutchy, and ſome others: but this *offence* being *declared* to be ſo *great* and *groſs*, and that the *Committee* had given him ſo many times to *recollect* himſelf, and he being ſo *great* an *Officer* of ſo *great* a *City*, had all the *favour* that might be, and yet *rejected* the *ſame*, and carried *himſelf* in a very *ſcornful* manner.

Wherefore it was *ordered* he ſhould be *ſent* for unto the *Houſe* as a *Delinquent* to morrow morning. Ordered to be ſent for.

Sheriff *Aſton* was called to the *Bar*, as a *Delinquent* upon his *knees*, and ſaid, If he hath *erred*, it was through want of *memory*, or through *ignorance*, for he intended not the leaſt *diſlike* or *diſtaſte* to any *Member* of the *Houſe*; and withdraws. Tueſd. 10 Feb. Appears, and called to the Bar.

Mr. *Long*. I ſhall *move* that he be *ſent* to the *Tower*.

Mr.

His Crime with others aggravated.

Mr. *Littleton*. You ſee the *affronts* by *Books*, by *Preaching*, by *Rumours*; by being *ſerved* with *Proceſs*, theſe *ſcorns* are *daily* put upon *us*, that we are *become* but a *meer* ſcare-crow; the *neglect* of *our duty* is the *cauſe* of *this*, it is high time to *remedy* this, or it is in *vain* to *ſit* here.

Sentenced to the Tower.

The *Sheriff* is again called to the *Bar* on his *knees*, and *ſentenced* to the *Tower*.

Journ. Dom. Com. 4 *Car.* 26 Jan. The Caſe of *Lewis*.

XI. A *Petition* was preferred againſt one *Lewis*, who ſaid about the 25th. of *December*, *The Devil take the Parliament*: which was *avowed* by *two* witneſſes. And although it was *ſpoken* out of *Parliament*, yet it was *reſolved* to be an *offence* to the *Parliament*: *And it was ordered he ſhould be ſent for.*

§. 4.

§. 4. *Some Presidents for punishing of Misdemeanours in Elections.*

I. IN the *Parliament* of the 18. of *King James*, the *Mayor* of *Winchelsey*, for *misbehaving* of himself at the *Election* of *Parliament*-men for that *Town*, and making a *false* Return. It was Resolved upon the Question,

Journ. Dom. Com. 18 *Jac.* The Case of the Mayor of *Winchelsey.*

1. That the *Mayor* of *Winchelsey* had committed a *Contempt* and *Misdemeanour* against this *House*, and *therefore* shall stand *committed* to the Serjeant till Saturday morning, then *making* his *Submission* here at the *Bar*, to be discharged of any further punishment here.

Judgment against the Mayor.

2. *But to make his Acknowledgment in the Town before the new Election.*

II. *Anno* 20 *Jac.* Upon the Report of Mr. *Glanvile*, concerning the *Burrough* of *Arundel*, because

Journ. Dom. Com. 20 *Jac.* The Case of the Mayor of *Arundel* for Misdemeanour.

cause the *Mayor* had *misbehaved* himself in the *Election*, by putting the Town to a great deal of *Charge*, not giving a *due* and general *warning*, but *packt* a number of *Electors*: It was Resolved,

1. The Mayor not being in Town, a *Warrant* be sent for *him*.

Judgment. To pay the Charge, to be set down by 3 Members.

2. Resolved upon another Question, that Mr. *Alford*, Mr. *Bing*, and Mr. *Latham*, shall set down the *Charges*.

Journ. Dom. Com 21 *Jac.* The Case of *Ingry* the under Sheriff of *Cambridgeshire*.

III. *Anno* 21 *Jac.* Mr. *Glanvile* reports the Misdemeanour of the *under-Sheriff* of *Cambridgshire*, who refused the *Pole*, declaring, Sir *Thomas Steward* promised him to *defend* him against Sir *John Cutts*, and told him, he should have no *wrong* nor *damage*.

Resolved upon the Question,

Judgment.

That this *under-Sheriff* shall be *committed* to the *Serjeant*'s Custody till Thursday next.

Resolved also upon the Question, That making his *Submission* at

at the *Bar*, and acknowledging his *offence*, he ſhall be diſcharged from any further puniſhment in this place.

Reſolved alſo upon a third Queſtion, That the *under-Sheriff* ſhall *make* a further *Submiſſion* openly at the next *Quarter-Seſſions* to be holden in the County, and *acknowledge* his *faults*. To make a ſubmiſſion at the Seſſions.

Edward Ingry brought to the *Bar*, and *kneeling* upon his *knees*, Mr. *Speaker* denounced upon him the Judgment of the *Houſe*.

IV. Mr. *Hackwell* reports from the Committee about the *Sheriffs* of *York*, and others, for the *Election* of Sir *Thomas Savill*. Journ. Dom. Com. 3 & 4 *Car.* 1. Tueſd. Apr. 29. The Caſe of the Sheriffs of *York*, and others touching the Election of Sir *Thomas Savile*.

The two *Sheriffs*, and two *Aldermen* are Delinquents; one of the *Sheriffs*, and one of the *Aldermen* are moſt *faulty*: Sheriff *Thompſon* had committed two offences; Firſt, his *haſty* and *precipitate* Judgment of the *Election*, to prevent the *Election* of *Hoy*: Secondly,

ly, in denying the *Poll*, being required. First, his *hasty* and *precipitate* Judgment, was done without acquainting his *fellow Sheriff*, and it was within a quarter of an hour after the reading of the *Writ*, and half an hour after nine a clock; and while he was doing of it, he was admoniſhed, and told that he *could not anſwer it*, and that he might *defer* it; yet he did obſtinately proceed, and anſwered them *frowardly*, and ſaid he *would* do it, and that he would *juſtifie* it. His *excuſe* was thus: that it was indeed *ſuddenly* done, but it was done ſo formerly. But to that it was replied, That never before *above two* were in Election. Secondly, he anſwered, That it was not of his *own head*, but ſome *Aldermen* adviſed it; but that was Alderman *Cooper*, a *Delinquent* for that offence. For the other offence, in *denying* the *Poll* after it was demanded, and that was before he had pronounced

ced any *Judgment*; but he was willing that *Robinſon* ſhould have the *Poll*, for he knew he could not carry it: but he refuſed *Hoy*, and he was required *ten times*, but gave no *anſwer* at all. His *behaviour* before the Committee was *impudent*, and he would *anſwer* nothing directly. The Committee found this man to be an *engaged man*, and that he was promiſed to be *ſaved harmleſs*. For Alderman *Henlow*, he procured the *Company of Taylors* two days before the Election, and publiſhed Sir *John Savill's* Letters, and preſſed it, and upon ſome he preſſed it ſo much, that they *ſhould* elect Sir *Thomas Savill*, and ſaid the *Parliament* will not hold. He dealt with the *Sheriffs* alſo, and told them divers words of Sir *John Savill*, that he would *take it very ill*; and, ſaid he, if you will chooſe Sir *Thomas Savill*, you ſhall be *ſaved harmleſs*. Alſo he endeavoured to procure a *Certificate*, that *Nota.*

Sir *Thomas Savill* was duly elected; when any refused, he said they were *factious Fellows*, and otherwise threatned. The Committee censured Sheriff *Thompson*, and this Alderman *Henlow*, First, that they should stand *committed* to the *Serjeant* during pleasure. Secondly, that they should *acknowledge* their offences at the *Bar* in the full House, and pay all due *Fees* before they be discharged. Also they should defray all the *charges* of the Witnesses of Alderman *Hoy*, to be assessed by four of the Committee. And that they should make *acknowledgement* of their *fault* before the Court of Aldermen at *York*; and that the *Mayor* should certifie their *submission* to the House.

Nota.

As for Alderman *Cooper*, he assembled the *Company of Merchants*, and read Sir *John Savill's* Letter for the Election of his Son, and also he at the Election perswaded the Sheriff to give *Judg-*

ment.

ment. Sheriff *Atkins* was only *paſſive*, and did not refuſe to joyn with the other Sheriff. As for the point of *charges* given to the Witneſſes of *Hoy*, it was *doubtful* and *objected* againſt by ſome, whether it lay in our power: But it was replied, That in *every* Court it is neceſſary to have *power* to impoſe *Fines*, and why we ſhould *want power* for offences that lye in our *cognizance*, is not to be queſtioned; elſe the party that is *duly elected*, and that *juſtifies* the free Election, and *maintains* the freedom and liberty of the Commonwealth, ſhall be more *puniſhed* then the *Delinquent*: Alſo we have power to *impriſon*, which is more then a *Fine*: Alſo we have as much as the *Lords Houſe*, in thoſe things that lye in our *Juriſdiction.* 13 *Eliz.* 10 *Maii*, The Mayor of *Weſtbury* in *Wiltſhire* took 4 *l.* for a Return; Mr. *Long* fined 20 *l.* and ordered to bring in a Bond made him for a greater

ſum. 23 *Eliz.* 5 *Januar.* Mr. *Arthur Hall* writ a Book to the *diſhonour* of this Houſe; It was ordered, that the *Serjeant* ſhould go to apprehend him, aſſiſted by two *Knights* of this Houſe. 14 *Febr.* he was brought to the *Bar*, and ſent to the *Tower*, and fined 500 Marks, and expelled the Houſe, and kept in the *Tower* ſix months. 23 *Eliz.* 18 *Martii*, a Fine was aſſeſſed on every one that was *abſent* without leave. 6 *H.* 8. *cap.* 16. our Clerks Book is termed a *Record.* 21 *Jac.* the Election of the Burgeſs of *Arundel* in *Suſſex*; and there it was *ordered*, that the Witneſſes *charges* ſhould be born: And then there was 10 *l.* paid down by one, a *Member* of this Houſe. 12 *Jac.* a Servant of Juſtice *Whitlock*'s was Arreſted by one *Lock* and *Moon*, who were enjoyned to ride both on Horſe-back, with their faces to the Horſes tails: And Mr. *Hackwell* ſaid, he himſelf

Nota.

ſelf ſaw the execution of it in *Cheapſide*.

3 *Jacobi*, the Baron of *Walton's* Sollicitor, being his Servant, was Arreſted; he claimed the *priviledge*, and the party that *cauſed* the *Arreſt* was Fined, and it was left to the *Speaker* to moderate the Fine. 18 *Jacobi*, certain Conſtables of *York*, for Miſdemeanors, were ſent for up, and one was *acquitted*, and had 5 *l.* given him for his *charges*. At the laſt Parliament, Sir *George Haſtings* Kt. was elected Knight of *Leiceſterſhire*, and was Arreſted by the Sheriff at his Election, and *complained* here, and his Witneſſes were ordered to have their *coſts* paid them. Sir *Robert Philips*.

Ordered that *Thompſon* and *Henlow* pay the charges of Witneſſes, brought up about the *proof* of the ſaid Election, and that they ſhall not be *diſcharged* from the *Serjeant* till they pay their Fees; and four *Gentlemen* of the *Houſe* The Sheriff to pay the charges of the Witneſſes, to be ſet down by four Witneſſes.

are to moderate and ſet down the *charges* in certain. And it is *ordered*, that they ſhall be committed to the *Serjeant*, till they make their *ſubmiſſion* at the *Bar*, and acknowledge their *faults* on their *knees*, and read a *ſubmiſſion*. As for the *ſubmiſſion* to be made at *York*, it was through great *favour* remitted by the *Houſe*.

To all which I ſhall add the enſuing Preſident.

Lunæ 4 *Junii*, 19 *Jacobi*.

Committment of *Davenport* to the Tower, for miſinforming the Houſe of Commons, as a Witneſs.

7. The *Commons Houſe* of *Parliament* hath this day adjudged *Randolph Davenport* Eſq; for his offence in *miſ-informing* the ſame *Houſe*, in a Cauſe wherein he was produced as a *Witneſs*, to be committed priſoner to the *Tower*, for the ſpace of one whole month, and then to be *diſcharged* paying his Fees. Theſe are therefore in the behalf of the ſaid *Houſe of Com-*

Commons, to require and charge you to receive the ſaid *Randolph Davenport* into your cuſtody, within the Priſon of the *Tower*, under your *charge*, and him therein ſafely to detain and keep, for the ſpace of *one whole month*, and then to *diſcharge* him, paying his Fees; and this ſhall be your *Warrant* in this behalf. Given under my hand this 4th. of *June*, 1621.

To Sir *Allen Apſley* Knight, Lieutenant of the *Tower*.

An

Anno primo Regis *Jacobi*, Num. 42. penes *Joh. Brown*, Ar. Cler. Parliamentor.

An Act to ſecure the Debt of Simpſon, *and others, and ſave harmleſs the Warden of the* Fleet, *in Sir* Thomas Shirley's *Caſe.*

Soit baile aux Seigniours.

A ceſt Bille oveſq; les Amendments annexes, les Seigniours ont aſſentus.

HUmbly pray the *Commons* of this preſent *Parliament*, That whereas *Thomas Shirley* Kt. which came by your *Highneſs*'s Commandment to this your preſent *Parliament*, being elected and returned a *Burgeſs* for the *Burrough* of *Steyning*, in your *Highneſs*'s County of *Suſſex*, was upon the 15th. day of *March* laſt paſt, arreſted by the *Sheriffs* of *London*, at the *Suit* of one *Giles Simpſon*, firſt upon an Action of *Debt*, and afterwards laid and detained in *Execution* upon a *Recognizance*,

nizance, of the nature of the *Statute* Staple of 3000 *l.* in the *Prison*, commonly called the *Compter in the Poultrey* in *London*, at the *Suit* of the ſaid *Simpſon*, and from thence by *Habeas Corpus* was removed to your *Majeſties Priſon* of the *Fleet*, where for a time he was detained in *Execution*, as well upon the ſaid *Recognizance*, as to anſwer to two *Actions* of *Debt*, one of 2000 *l.* at the *Suit* of *William Beecher*, the other of 3000 *l.* alſo at his *Suit*, and to anſwer one other *Action* of *Debt* of 300 *l.* at the *Suit* of one *John King*, *contrary to the Liberties, Priviledges and Freedom, accuſtomed and due to the Commons of your Highneſs's Parliament, who have ever uſed to enjoy the freedom in coming and returning from the Parliament, and ſitting there without reſtraint and moleſtation*, and it concerneth your *Commons* greatly to have this *Freedom* and *Priviledge inviolably* obſerved: *Nota.*

Yet

Yet to the end that no Perſon be prejudiced or damnified hereby, May it pleaſe your *Highneſs*, by the Aſſent of the *Lords* Spiritual and Temporal, and *Commons* in this preſent *Parliament* aſſembled, and by the *Authority* of the *ſame*, it may be *Ordained* and *Enacted*, That the ſaid *Sheriffs* of *London*, the now *Warden* of the *Fleet*, and all others, that have had the ſaid *Thomas* in Cuſtody, ſince the ſaid firſt *Arreſt*, their *Executors* or *Adminiſtrators*, or any of them, may not, nor ſhall in any wiſe be *hurt*, *endamaged*, or *grieved*, becauſe of diſmiſſing at large of the ſaid *Thomas Shirley*, ſaving always to the ſaid *Giles Simpſon*, and other the Perſons aforeſaid, at whoſe *Suit* the ſaid *Thomas* is detained in *Priſon*, his, their, and every of their *Executions* and *Suits*, at all time and times, after the end of this preſent *Seſſion* of *Parliament*, to be taken out and proſecuted, as if the ſaid

Thomas

Thomas had never been arrested, or taken in Execution, and as if such Actions had never been brought or sued against him, *saving also to your Majesties said Commons, called now to this your Parliament, and their Successors, their whole Liberties, Franchises and Priviledges, in all ample manner and form, as your Highness's said Commons at any time before this day have had, used and enjoyed, and ought to have, use and enjoy, this present Act and Petition in any wise notwithstanding. Soit fait come & est desire.*

This to prev^t what may happen for by 21 H.6 25 No speaker was imprisoned & refused The to be delivered but a new way chose

Anno 3 *Car.* 1. *Pult.* Stat. fol. 1433.

The Petition *exhibited to his Majeſty, by the Lords Spiritual and Temporal in this preſent Parliament aſſembled, concerning divers* Rights *and* Liberties *of the* Subjects, *with the Kings Majeſties Royal Anſwer thereunto in* full *Parliament.*

To the Kings moſt Excellent Majeſty

HUmbly ſhew unto our Sovereign *Lord* the *King*, the Lords *Spiritual* and *Temporal*, and *Commons* in *Parliament* aſſembled, That *whereas* it is *Declared* and *Enacted* by a *Statute* made in the time of the Reign of K. *Edward* the I. commonly called, *Statutum de Tallagio non concedendo : That no Tallage or Aid ſhall be laid or levied by the King or his Heirs in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other the*

34 *E.* 1.

No Tallage or Aid to be laid or levied without Authority of Parliament.

the Free-men of the Commonalty of this Realm. And by *Authority* of *Parliament* holden in the 25. year of the Reign of K. *Edward* the III. it is *Declared* and *Enacted, That from thenceforth no person should be compelled to make any Loans to the King against his will, because such Loans were against Reason, and the Franchise of the Land.* And by other *Laws* of this *Realm* it is *provided*, That *none* should be *charged* by any *Charge* or *Imposition* called a *Benevolence, nor by such like Charge,* by which the *Statutes* beforementioned, and other the *good Laws* and *Statutes* of this *Realm,* your *Subjects* have *inherited* this *freedom, That they should not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not set by common consent in Parliament.*

1 E. 3. 6.

11 R. 2. 9.
1 R. 3. 2.

Yet *nevertheless* of late *divers* Commissions directed to sundry *Commissioners* in several Counties, with

with *Inſtructions*, have iſſued, by means whereof your People have been in divers Places aſſembled, and required to lend certain ſums of Money unto your Majeſty; and many of them upon their refuſal ſo to do, have had an *Oath* adminiſtred unto them, *not warrantable by the Laws or Statutes of this Realm*, and have been *conſtrained* to become *bound* to make *appearance*, and *give* attendance before your *Privy Councel*, and in *other* Places; and *others* of them have been therefore *impriſoned*, confined, and ſundry other ways *moleſted* and *diſquieted*; and *divers* other *Charges* have been *laid* and *levied* upon your *People* in ſeveral Counties, by Lord-*Lievtenants*, Deputy-*Lieutenants*, Commiſſioners for *Muſters*, Juſtices of Peace, and *others*, by *Command* or *Direction* from your *Majeſty*, or your *Privy Councel*, againſt the *Laws* and free *Cuſtoms* of the *Realm*.

And

And where alſo by the *Statute* called the *Great Charter* of the *Liberties* of *England*, it is declared and Enacted, *That no Freeman may be taken or impriſoned, or be diſſeiſed of his Freehold or Liberties, or his free Cuſtoms, or be Outlawed or Exiled, or in any manner deſtroyed, but by the lawful Judgment of his Peers, or by the Law of the Land.* 9 H. 3. 29.

And in the 28th. year of the *Reign* of K. *Edward* the III. it was *Declared* and *Enacted* by Authority of Parliament, *That no man, of what Eſtate or Condition that he be, ſhould be put out of his Land or Tenements, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought* to anſwer by due proceſs of Law. 28 E. 3. 3.

Nevertheleſs *againſt* the *tenour* of the ſaid *Statutes*, and *other good* Laws and *Statutes* of your *Realm* to that end *provided*, divers of your *Subjects* have of late been *impriſoned* without any *cauſe* 37 E. 3. 18. 38 E 3. 8. 42 E. 3. 3. 17 R. 2. 6.

ſhewed; and *when* for their *deliverance* they were *brought* before your *Juſtices*, by your Majeſties *Writs* of *Habeas Corpus*, there to undergo and receive as the *Court* ſhall *order*, and their *Keepers* commanded to certifie the *cauſes* of their detainer, *no* cauſe was certified, but that *they* were *detained* by your *Majeſties ſpecial Command*, ſignified by the Lords of your *Privy* Councel, and *yet* were *returned* back to ſeveral *Priſons*, without being *charged* with *any* thing, to which they might make *anſwer* according to the *Law*.

Quartering Souldiers againſt Law.

And whereas of late *great* company of *Souldiers* and *Mariners* have been *diſperſed* into divers *Counties* of the *Realm*, and the *Inhabitants* againſt their *wills* have been *compelled* to receive them into their *Houſes*, and there to *ſuffer* them to *ſojourn*, againſt the *Laws* and *Cuſtoms* of this *Realm*, and to the *great* grievance and vexation of the *People*. And

And whereas alſo by *Authority* of *Parliament*, in the 25th. year of the *Reign* of K. *Edward* the III. *it* is *Declared* and *Enacted*, *That no man ſhould be forejudged of Life or Limb, againſt the form of the great Charter, and the Law of the Land*; and by the ſaid great *Charter*, and *other* the *Laws* and *Statutes* of this your *Realm*, no man ought to be *adjudged* to *death*, but *by* the *Laws* eſtabliſhed in this your *Realm*, either by the *Cuſtoms* of the ſame *Realm*, or by *Acts* of *Parliament*. 25 E. 3. 9. 9 H 3. 29. 25 E. 3. c4. 28 E. 3. c3.

And whereas *no* Offendor, of what *kind* ſoever, is *exempted* from the *Proceedings* to be uſed, and *Puniſhments* to be *inflicted*, by the *Laws* and *Statutes* of this your *Realm*; nevertheleſs of late *divers* Commiſſions *under* your Majeſties *Great* Seal have iſſued forth, by which certain *perſons* have been *aſſigned* and *appointed* *Commiſſioners*, with *Power* and *Authority* to proceed within the *Nota.*

Land, according to the *Juſtice* of the *Martial Law* againſt ſuch *Souldiers* and *Mariners*, or *other diſſolute perſons* joyning with them, as ſhould *commit* any *Murther*, *Robbery*, *Felony*, *Mutiny*, or *other Outrage* or *Miſdemeanour whatſoever*, and by ſuch *ſummary* Courſe and *Order*, as is agreeable to *Martial Law*, and as is uſed in *Armies* in time of *War*, to proceed to the *Tryal* and *Condemnation* of ſuch *Offendors*, and them to *cauſe* to be *executed* and *put* to *death*, according to the *Law* Martial.

Martial Law in time of Peace, againſt the Laws and Statutes of *England*

By *pretext* whereof, ſome of your Majeſties *Subjects* have been by ſome of the ſaid *Commiſſioners put* to *death*, when and where if by the *Laws* and *Statutes* of the *Land* they had deſerved *death*, by the ſame *Laws* and *Statutes* alſo they might, and by no other ought to have been *judged* and *executed*.

And alſo ſundry *grievous Offendors*, by colour thereof *claiming* an *exemption*, have *eſcaped* the

Puniſh-

Puniſhments due to them, by the *Laws* and *Statutes* of this your *Realm*, by *reaſon* that *divers* of your *Officers* and *Miniſters* of *Juſtice have unjuſtly refuſed*, or *forborn* to *proceed* againſt ſuch *Offendors*, according to the ſame *Laws* and *Statutes*, upon *pretence* that the ſaid *Offendors* were *puniſhable* only by *Martial* Law, and by *Authority* of ſuch *Commiſſions* as aforeſaid, *which Commiſſions and all other of like nature, are wholly and directly contrary to the ſaid Laws and Statutes of this your Realm.*

They do therefore *humbly* pray your moſt *Excellent Majeſty*, that *no* man *hereafter* be *compelled* to make or *yield* any *Gift*, *Loan*, *Benevolence*, *Tax*, or ſuch like *Charge*, without *common Conſent by Act of Parliament*; and that *none* be *called* to make *anſwer*, or take ſuch *Oath*, or to *give* attendance, or be *confined*, or otherwiſe *moleſted* or *diſquieted* concerning the *ſame*,

or for refuſal thereof; and that no *Freeman* in any *ſuch* manner as is *before* mentioned, be *Impriſoned* or *Detained*; And that your *Majeſtie* would be pleaſed to *remove* the ſaid *Souldiers* and *Mariners*, and that your *People* may *not* be ſo *burthened* in time to *come*; And that the foreſaid *Commiſſions* for proceeding by *Martial Law*, may be *revoaked* and *adnulled*; And that hereafter no *Commiſſions* of like *nature* may *iſſue* forth to any Perſon or Perſons whatſoever, to be *executed* as aforeſaid, leaſt by *colour* of them, any of your Majeſties *Subjects* be *deſtroyed* or *put* to *death*, *contrary to the Laws and Franchiſes of this Land.*

Nota. All which *they* moſt *Humbly* Pray of your *moſt Excellent Majeſty*, as their *Rights* and *Liberties*, according to the *Laws* and *Statutes* of this *Realm*; And that your *Maieſtie* would alſo vouchſafe to *declare* that the *awards*, *doings*, and *proceedings*, to the

pre-

prejudice of your *People*, in any of the *premiſſes*, ſhall not be *drawn* hereafter into *Conſequence* or *Example*; and that your *Majeſty* would be alſo graciouſly *pleaſed*, for the further *comfort* and *ſafety* of your *People*, to *declare* your Royal Will and Pleaſure, *That in the things aforeſaid, all your Officers and Miniſters ſhall ſerve you, according to the Laws and Statutes of this Realm, as they tender the Honour of your Majeſty, and the Proſperity of this Kingdom.* *Nota.*

Which Petition being read the 2d. of *June*, 1628. the King's Anſwer was thus delivered unto it.

THe *King* willeth that *Right* be *done*, *according* to the *Laws* and *Cuſtoms* of the *Realm*, and that the *Statutes* be put in *due* execution, that his *Subjects* may have *no* cauſe to *complain* of any *wrong* or *oppreſſions*, *contrary*

Here the good King condemns the Law and Doctrine of Dr. *Cowell*, *Blackwood*, *Manwaring*, *Fulbeck*, *Sibthorpe*, *Alablaſter*, *Filmer*, and their Tranſcribers and Diſciples.

to their *juſt Rights and Liberties*, *to the preſervation whereof*, *he holds himſelf in Conſcience as well obliged*, *as of his Prerogative.*

But this *Anſwer* not giving *ſatisfaction*, the *King* was again *petitioned* unto, that he would give a *full* and *ſatisfactory* Anſwer to their Petition in *full Parliament.*

Whereupon the King in Perſon, upon the 7th. of *June*, made this 2d. Anſwer.

My Lords and Gentlemen,

THe *Anſwer* I have already *given* you, was made with ſo *good deliberation*, and *approved* by the *Judgments* of ſo *many* wiſe men, that I could *not* have *imagined* but that it ſhould have given you *full ſatisfaction*; but to *avoid* all *ambiguous Interpretations*, and to ſhew you there is no *doubleneſs* in my *meaning*, I am willing to pleaſe you in *words* as well as in *ſub-*

ſubſtance; read your *Petition*, and you ſhall *have* an *Anſwer* that I am ſure will *pleaſe* you.

And then cauſing the *Petition* to be diſtinctly read by the *Clerk* of the *Crown*, the *Clerk* of the *Parliament* read the King's *Anſwer* thereunto in theſe words:

Soit droit fait come eſt deſire.

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§. 4. *Several Miſcellaneous Preſidents and Orders both of the Houſe of Lords and Commons.*

I. *A ſtanding Order of the Commons Houſe of Parliament, touching Bills delivered to the Speaker.*

UPon *Tueſday* the 15th. of this inſtant *May*, a *Bill* being *offered* to the *Speaker* of the *Commons* Houſe of *Parliament*, in his way coming towards the ſaid Houſe,

Journ. Dom. Com. Parl. 1 *Jac.*

Mercurii 23 Maii, A.D. 1603

A Bill is delivered to the Speaker going to the House, purporting a Declaration of Treason by a Magistrate of the Land, who Gives an Account of it to the House.

House, he received it, and brought it in; and being *set* in his *Chair*, after some time did openly intimate the Head or Title of it, purporting a *Declaration* of *Treason*, practised by a *Magistrate* of this *Land*, concealing the *Name* of the *Man*, and the Particulars of the Bill, *adding*, *that for special Causes, he hoped they would not meddle with it, or expect it should be* read; nevertheless the House inclined to have the Bill read; but upon the said *Speaker's Motion* and better Consideration, resolved to forbear it for that time, expecting the *return* and *reading* of it, when *Mr. Speaker* should think meet to give the House satisfaction, as he promised shortly to do. The next day (as was afterwards informed) it *pleased* his *Majesty* to send for the *Bill*; and in respect it contained matter of *personal Treason*, (as was likewise pretended) properly and only touching himself, *his Majesty* assumed unto him-

Who forbear to read it at that time.

The King sends for the Bill.

himself the *Examination* of the matter of the *Bill*, and retained it in his own *keeping*.

In all this time, the House for the more part expected an Accompt of the said *Bill*, which was this day demanded and urged by sundry Members of this House; in which Debate these Questions were handled:

The House expected an Accompt thereof from Mr. Speaker, and after demands it.

Questions handled thereupon.

1. Whether the House were possessed of the *Bill*.

2. What might be called possession of a *Bill*.

3. Whether it might deal with Treason.

4. Examine, commit, and proceed to Judgment upon Traitors, and with what kind of Treason and Traitors.

5. And lastly, Whether a Speaker receiving a Bill, and reading the Title, may deliver it to any, without special allowance and leave of the House.

Hereupon it was *finally Resolved* and *Ordered*, that for this time

To ceaſe with a caution & care of the priviledge of the *Houſe*.

time all Queſtions ſhould ceaſe touching theſe matter, with this *caution* and care, proceeding from a tender regard of the *priviledge* of this *Houſe*, that it ſhould be preciſely *Regiſtred*, as the *Judgment* of the *Houſe*, that no *Speaker* from henceforth, ſhould deliver a *Bill*, whereof the *Houſe* ſtandeth *poſſeſſed*, to any whomſoever, without allowance and leave as aforeſaid, but that he had Power and might, either ſhew it or deliver a Copy; If it ſeems meet unto him.

To be Regiſtred as the Judgment of the *Houſe*, that no Speaker ſhould deliver a *Bill*, whereof the *Houſe* was poſſeſſed without leave.

The Speakers excuſe.

Who by way of excuſe, Anſwered that a *Meſſage* was delivered unto him by a *great Lord*, from his Majeſtie, commanding him to ſend the *Bill* unto him, and that he was warranted by former Preſidents, to ſhew the *Bill* to the King when he was Commanded; As in the Caſe of Mr. *Morrice*, Mr. *Wentworth*, 25. *Eliz.*

Motions by ſeveral Members.

Many *Motions* enſued in this *matter*, by Mr. *Sollicitor*, Sir *Herbert*

bert Crofts, Sir *Francis Bacon*, Mr. *Brooke*, Mr. *Wiſeman*, Sir *William Fleetwood*, Mr. *Crewe*, Mr. *Martin*, Sir *Henery Beaumont*, Sir *Maurice Berkley*, Sir *William Strowd*, Mr. *Telverton*, Sir *Thomas Hobby*.

Much *Exceptions* againſt the Preſidents, *Injurious* that any *Speaker* ſhould deliver a *Bill* to the *King*, without the *privity* of the *Houſe*.

No *Bill* whereof the *Houſe* is poſſeſſed to be delivered to the *King*, or any other without notice and leave of the *Houſe*.

We looſe our *priviledge*, if we looſe our *Bill*.

Mr. *Speaker* to pray *Acceſs* to the *King* himſelf, and in the name of the *Houſe*, to deſire the *Bill* from his *Majeſtie*.

No *poſſeſſion* of a *Bill*, except it be *delivered* to the *Clerk* to be *Read*.

If the *Speaker Read* Title in his Chair, (as he did in this Caſe) a *poſſeſſion*.

Jones

Jones the *Priſoner* to be ſent for hither, and to attend his diſcharge from the *Houſe*.

That the Priſoners Committed by us, cannot be taken from us and Committed by any other.

An *Order* moved and *Agreed*, that no *Bill* whereof the *Houſe* is clearly *poſſeſſed*, be delivered to any before the *Houſe* have notice, and give leave.

No *Bill* of which the *Houſe* is poſſeſſed, to be delivered without notice and leave of the *Houſe*.

Admitted that a Copy may be delivered, or it may be *ſhewed* to his *Majeſtie*.

Jur. Dom. Com. Die veneris 27. *February*, 4 *Jac. A. D.* 1606. A Meſſage from the King.

II. Mr. *Speaker* declared to the *Houſe*, a Meſſage from the *King*; The Meſſage was to this effect. That his *Majeſtie* having entred into a Princely Conſideration, of the *weight* of the great *Cauſe* in hand, as alſo of the *great worth* and *ſufficiency* of thoſe *Gentlemen* that have *Spoken* and *Dealt* in it, he was to put them in mind, that the *Writ* of *Summons* that *called* them thither, was to *conſult de arduis Regi*; That every Man did ſerve

The Union of *England* and *Scotland*.

That the Writ called them to *Conſul. de arduis Regi*.

ſerve for a *Town* or a *Shire*, that his *attendance* and ſervice of the *Houſe* was a *great* duty; and that the *departure* of *any* Member of this *Houſe was a greater contempt, than any Nobleman's departure, who ſerved only for himſelf*; that therefore he *wiſhed* and *adviſed*, that no *Lawyer* or *other* Member of *Note* might depart the *Houſe*, until this great *Matter* were brought to more *ripeneſs* and *perfection*; and if the *Houſe* would *enter* into courſe for the *ſtay* of them here, or for the *recalling* of thoſe that be *abſent*, his *Highneſs* would *aſſiſt* them by his *Proclamation*, or *otherwiſe* as they ſhould *conceive* fitteſt.

Their attendance a great duty.

Departure a greater contempt than a Nobleman's.

Adviſeth no Lawyer or other of Note to depart.

Would aſſiſt the Houſe for their ſtay or recalling.

It was hereupon *moved*, that many have *Tryals* at the *Aſſizes*, who by their *abſence* might *receive* prejudice, if ſome *courſe* were not taken to *prevent* it. *Propounded*, that *Letters* might be *writ* by *Mr. Speaker*, to the *Juſtices* of *Aſſize*, for *ſtay* of *Proceedings* againſt

Motions and Debates upon the Meſſage.

againſt any man that would *require* it; *which was approved and reſolved by the Houſe.*

Mr. Speaker's motions. *Mr. Speaker* moveth, that a *time* might be *appointed* for the *Calling* of the *Houſe*, and a *puniſhment* agreed on for the *abſent*.

Others move. *Others*, that the *Houſe* might *firſt* be *Called*, and then a *puniſhment* thought on.

That the *Houſe* being *Called*, the *Serjeant* might be *ſent* for *thoſe* which were found *abſent*.

That a *Law* might be *thought* of to *provide* for this *Miſchief* hereafter.

3 Queſtions made. Theſe *Motions* ended in theſe *three Queſtions*, which by direction was *made* by *Mr. Speaker*, viz.

1 Queſtion. 1. Whether the *Houſe* ſhall be *Called*.

2 Queſtion. 2. Whether the *Serjeant* ſhall be *ſent* for *ſuch* as are *abſent*, having no *reaſonable* excuſe.

3 Queſtion. 3. Whether the *Houſe* ſhall be *Called* on *Monday* come *ſevennight* in the *afternoon*. Which

Which were all *reſolved* in the *Affirmative*, with this further direction, that the *abſent* were to be ſent for, by the *Order* of the *Houſe*, and by *Warrant* under Mr. *Speaker's* hand; And upon the whole matter a *Special* order conceived; The *Copy* whereof was ſent to *ſundry* Members that were *abſent*, that they might be more *ſenſible* of the *reaſon* and *neceſſity* of their *Attendance*. Reſolves.

The form of the Order was. Order.

THis day *Mr. Speaker* delivered a *Meſſage* from His *Majeſtie*, importing a *Conſideration* of the *weight* of the *great cauſe* in hand, of the *ſtudy* and *travel* that hath been taken in the *underſtanding* and *furtherance* of ſome good *Succeſs* therein, by *ſundry* Members of the *Houſe*, and of the *duty* and *neceſſity* of the *attendance* of *every* Member, *Repreſenting* in his *Voice* and *Perſon*, Veneris 27. *February* The Union of *England* and *Scotland*.

a *Shire*, *City*, or at leaſt a *Town* the *ſpecial* uſe and *ſervice* of the *Lawyers* of the *Houſe*, the *great contempt in departure together*, with his *Highnes*'s gracious *Offer* of his *Royal* power and *Aſſiſtance*, to be *added* to the *Authority* of the *Houſe*, for the *recalling* or *puniſhing* of *any* Member *Deliuquent* in *this* behalf; Whereupon the *Houſe* entered into *diſpute* and *deliberation*, what *courſe* were *fitteſt* to be *taken*, as well for the *continuing* of *ſuch* Members as are *here* already Aſſembled; as for the *return* and *attendance* of thoſe *abſent*, to *partake* of, and *aſſiſt* in the *great* ſervice in hand; And after many *courſes* and *new* deviſes of *Order* propounded to the *Houſe*. It was at laſt *Reſolved* upon *three* ſeveral Queſtions, *Firſt*, that the *Houſe* ſhould be *called*, *Secondly*, that upon the *calling* ſuch as were *found* to be *abſent*, and had no *juſt* cauſe of *Excuſe*, ſhould with the *privity* and *direction*

rection of the *Houſe* by *Warrant* under the hand of *Mr. Speaker*; And by the *Serjeant* at *Arms*, Attendant upon the *Houſe*, or by his *Deputy*, be *immediatly* ſent for, and *anſwer* Fees and *Entries* to the *Officers*, as in Caſe of *breach* of *Priviledge*, or other *Contempts* to the *Houſe*. *Thirdly, and Laſtly*, That upon *Munday* next come *Sevenight* in the afternoon of that day, the *Houſe* ſhall be *called*.

Mr. Hide the laſt day *immediatly* upon the *Kings* Meſſage, *Pleading* certain buſineſſes of his *Clyents*, and other his *private* occaſions of *profit* and *neceſſity* (as he pretended,) made *known* to the *Houſe*, that he would *go* out of *Town*, and ſo took his *leave* in open audience, *without* the *Aſſent* or *Leave* of the *Houſe*, which was *taxed*; And *Mr. Speaker* warranted to *Write* unto *him*, which *he* did in this Form.

Die Martis 3. *Martii*. Mr. *Hide* departs without Licenſe and is ſent for.

a *Shire*, *City*, or at leaſt a *Town* the *ſpecial* uſe and *ſervice* of the *Lawyers* of the *Houſe*, the *great contempt in departure together*, with his *Highnes*'s gracious *Offer* of his *Royal* power and *Aſſiſtance*, to be *added* to the *Authority* of the *Houſe*, for the *recalling* or *puniſhing* of *any* Member *Deliuquent* in *this* behalf; Whereupon the *Houſe* entered into *diſpute* and *deliberation*, what *courſe* were *fitteſt* to be *taken*, as well for the *continuing* of *ſuch* Members as are *here* already Aſſembled; as for the *return* and *attendance* of thoſe *abſent*, to *partake* of, and *aſſiſt* in the *great* ſervice in hand; And after many *courſes* and *new* deviſes of *Order* propounded to the *Houſe*. It was at laſt *Reſolved* upon *three* ſeveral Queſtions, *Firſt*, that the *Houſe* ſhould be *called*, *Secondly*, that upon the *calling* ſuch as were *found* to be *abſent*, and had no *juſt* cauſe of *Excuſe*, ſhould with the *privity* and *direction*

rection of the *House* by *Warrant* under the hand of *Mr. Speaker*; And by the *Serjeant* at *Arms*, Attendant upon the *House*, or by his *Deputy*, be *immediatly* sent for, and *answer* Fees and *Entries* to the *Officers*, as in Case of *breach* of *Priviledge*, or other *Contempts* to the *House*. *Thirdly, and Lastly*, That upon *Munday* next come *Sevenight* in the afternoon of that day, the *House* shall be *called*.

Mr. Hide the last day *immediatly* upon the *Kings* Message, *Pleading* certain businesses of his *Clyents*, and other his *private* occasions of *profit* and *necessity* (as he pretended,) made *known* to the *House*, that he would *go* out of *Town*, and so took his *leave* in open audience, *without* the *Assent* or *Leave* of the *House*, which was *taxed*; And *Mr. Speaker* warranted to *Write* unto *him*, which *he* did in this Form.

Die Martis 3. *Martii*. Mr. *Hide* departs without License and is sent for.

The Form of the Speaker's Letter to Mr. Hide.

AFter my very hearty Commendations, *ſithence* your *departure* hence, there hath been *Complaints* made to the *Houſe*, that *you* have gone without *Leave* and *Contrary* to His Majeſties pleaſure, ſignifyed, and the expreſs Order of the *Houſe*; This bred great *diſpute*, and it was in a manner *Reſolved*, that *you* ſhould be preſently ſent for by the *Serjeant*, as being *conceived* to be a *preſident* of *ill* example and *contempt* other Mens Caſes Conſidered with yours, which led me to interpoſe this motion to the *Houſe*; That if you came not before *Munday* next (the day appointed for calling of the *Houſe*,) you might then be proceeded withal as the Caſe did require; And my ſelf offering to Write to you for that purpoſe, they deſiſted

fisted and left it to my care; Nevertheless for many Important reasons, wherewith I will acquaint you at your coming; I do *advise* you, as also *require* you from the *House*, that you *forthwith* repair *hither*, and attend the *service* in hand, which is now in the greatest heat and hast of proceeding; And so I commit you to God. Directed.

To my very Loving Friend,
Laurence Hide, *Esq*;

It was also *moved* and *resolved*, That *Mr. Speaker* should *Write* another *Letter* to other *Lawyers*, being gone down in the same *Circuit*, where *Mr. Laurence Hide* was, (*viz.*)

Resolved that other Letters be writ to other Members who were Lawyers.

Mr. *John Moore*,
Mr. *Giles Tooker*,
Mr. *Edward Digs*, and
Mr. *Nicholas Hide*, which also he did to this Effect.

The form of the Letter.

The form of the Letter.

AFter my very hearty Commendations; ſithence your departure hence, there hath been complaint made as well of your abſence, as of many others, which hath moved the *Houſe* to preſs ſome ſpeedy courſe for your return; and thereupon have commanded me forthwith to write unto you, that you make your repair hither without *excuſe* or *delay*, which I would adviſe you to do, to prevent further queſtion or danger, ſuch as I would be loth you ſhould undergo, as now the caſe ſtands. And ſo I commend you to the protection of the Almighty.

To my Loving Friends, Mr. *Giles Tooker*, Mr. *John Moor*, Mr. *Edward Diggs*, and *Nicholas Hide* Eſqs; *Members* of the *Commons* Houſe of *Parliament*.

III. It

III. It is this day *Ordered*, that a *Committee* of the *whole House*, shall this afternoon *consider* of a *fit* and *satisfactory* Answer of the *Kings* Majesties *Letter* sent this day to this *House*; *and also that they shall take into their Consideration such Misinformations, as are suspected to have been given to his Majesty, concerning the Proceedings of this House, this Parliament, and of all the Circumstances belonging to the same.*

Jurn. Dom. Com. 27. *Jac.* Vereris 27. *Maii.* Order that a Committee take into consideration misinformations given to the King, concerning the proceedings of the *House* of *Commons.*

IV. Sir *Robert Phillips* makes Report of two *Informations* brought, the *one* against Dr. *Lamley*, Chancellor to the *Bishop* of *Peterburrough*, the *other* against Dr. *Cradock* a *Divine*, and *Chancellor* to the *Bishop* of *Durham.*

Jour. Par. Dom. Com. 18. 19. *Jac.* 15. *Martii.* The Case of Dr. *Lamley*, Chancellor to the Bishop of *Peterburrough*, and Dr. *Cradock* a Divine, Chancellor to the Bishop of *Durham.*

Dr. *Lamley* is *accused* for *extorting* of *unlawful* Fees in Probate of *Wills*, &c. 2. For *vexing* of *men* with *impertinent*, *trivial*, and *idle* Causes, wherein men are

Dr. *Lamely* accused for Extortion and other Misdemeanours.

forced to *consume* their *time*, and *spend* their *Estates*: As for receiving *Money* on *Holidays*, he makes them pay 40 *s.* and upwards for a *Discharge*; the like of opening half a Shop-window; it cost another that came to *Church* on *Christmas-day* with a *foul* Band 54 *s.* and for *ommitting* of *Penance*, one *Bushell* paid 100 *Marks*, and desired it might be *imployed* to *Charity*; he said, *Charity* began at *home*.

One having *no* Sermon in his own *Parish*, went to a *Parish* where there was a *Sermon*; for *this* he was put to the *Oath ex Officio*, and *paid* 33 *s.*

Dr. *Cradock* accused for Briberies and other Misdemeanours.

V. As for Dr. *Cradock*, Chancellor of *Durham*, I must consider him in *three* Capacities, and apply the faults unto them *severally*.

First, He is *Chancellor* to the *Bishop*.

Secondly, He is a *high-Commissioner*. Thirdly,

Thirdly, He is a *Juſtice* of Peace.

1. As *Chancellor*, there are *two* Charges of *miſgoverning* himſelf.

In *refuſing* probate of *Teſtaments*, and granting *Excommunications* before *Citations*.

He takes *Bribes* on *both* ſides.

2. As a *high-Commiſſioner* of the *Quorum*, and ſo a *principal* man, ſending out his *Proceſs* for *Recuſants*; he *took* of one *Collyer* 20 *l.* for not appearing; of another 10 *l.* to ſhuffle up a clandeſtine Marriage, *&c.*

Laſtly, As a *Juſtice* of *Peace*, he *took* 100 *l.* for the *diſcharging* of a *Prieſt*; *Newton* killed one, he *compounded* for 100 *l.*

One *Allenſon* a *Batchellor* of *Divinity*, made one *Hanton* his *Executor*, within 10 days he granted Sequeſtration of the Teſtator's Goods; Dr. *Cradock* ſent them that took away his *Will*, opened his Desk, and took 6 or 7 Bags;

Bags; and having threatned them, the *Doctor* made 4 Sequeſtrators; the *Biſhop* ſaith, he would ſeize the Goods of *Gilbert Hanton*, to the uſe of the *Biſhop* of *Durham*; he came as *Juſtice* of *Peace*, and committed *Hanton* to the *Conſtable*, to be forth-coming; the *Doctor* broke open another *Desk*, and took 30 *s.* in money; he made his *Warrant*, and ſent *Hanton* to the *Gaol*; he laid a *Fine* upon him of 50 *l.* *John Widowes* came to *Hanton*, and *mediateth* to the *Doctor*, for his Son's *Impriſonment*; he would give his Son 22 *l.* which he doth; the *Seſſions* indicted him by the *Oath* of D. *Soame*, becauſe they thought the *Fine* too *unreaſonable*; but the *Doctor* ſaid, that *the Lord of* Durham *would be angry with him.*

One *Clement* gave the *Doctor* 50 *l.* and a *Mare*, to have an *Adminiſtration* granted.

As he was a *Commiſſioner*, he took of one *Conyers* 20 *l.* of another

ther 59 *l.* and of two others 10 *l.* a piece, for *Adultery*; of another 8 *l.* As a *Juſtice* of *Peace*, for not *ſending* one to the *Gaol*, 100 *l.* For *Recuſancy*, of one *Tempeſt* for a *Murther*, 100 *l.* For *Adultery*, before the Party could free himſelf, 20 *l.*

Mr. *Alford.* The Oath *Ex Officio* in this manner; *one* having *no* Sermon, went to another, and he made him pay 23 *s.* for the *Oath*, and for the ſame *offence*; and he going to another Pariſh, *impriſoned* him.

Sir *Edward Cook.* No man *ſpeaks* againſt the *Juriſdiction*, but the *corruption* of *Spiritual* Courts, *Qui tollit abuſum, confirmat uſum*, For the Oath *Ex Officio*, there is an Act of *Parliament* that they may *give* it, and *Lay-men* may give it, in *ſome* caſes, not in *all.* And herein the *ancient* Common Law, agreeth with the *Canon* Law: in the 32 (*vel* 31) *Ed.* 3. there was a complaint againſt *Fees*: 2 *H.* 4. there

there was a Law to *reduce* them to their *ancient* Fees, for now they *exceeded:* For Cardinal *Wolſey* of his *devotion* and *charity* took for *probate* of my Lord *Compton's* Will, 100 *marks*; hence came the *Law* of 21 *H.* 8. *We have good Laws, but they are like Swords ſhut up in their ſheaths.*

Sir *Edward Bonſtead* he hath a *Petition* of the *Miniſters* of *Northamptonſhire*, the *people* have been ready to *riſe* againſt the *abuſes* in the *Eccleſiaſtical* Courts.

Kelway, Fo. 184.

Mr. *Brook.* That the *Convocation* is not a *part* of the *Higher* Houſe, neither the *Biſhops* any part of the *Higher* Houſe, but are there as they have *Temporal* Baronies.

Mr. *Pym.* I would not have us ſend up to the *Lords* yet, till we have *examined* them; for their *guiltineſs* muſt be *ſtamped* here, before they *go* up to the *Lords.*

Mr. *Noy.* 8 *H.* 6. the *Clergy* and *Biſhops* are not to be *arreſted* going

going to the *Convocation*-house; we cannot *judge* them, but *complain* of them.

Mr. *Sherwin*. It is a *complaint*, and we must *examine* him, so that our complaint be certain, and not without great *deliberation* handled, that it may not be otherwise *proved*.

Sir *Nathaniel Rich*. That if the *Lords* will not *punish* those, that we *complain* of, we will enter into *Judgment* our selves, which is our *ancient* course.

The House would not send for the accused *Doctors*, because they were of the *Convocation*:

1. To avoid *offence* to them of that *Assembly*.

2. Because of the Stat. of 8 *H.* 6. which is thus: Forasmuch as the *Prelates* and *Clergy* of the *Realm* of *England*, called to the *Convocation*, and their *Servants* and *Familiars* that come with them to such *Convocation*, often times and commonly be *arrested*, molested and

Rastall's Stat. 8 *H.* 6. c. 1.

and inquieted; our ſaid Soveraign Lord the *King*, willing graciouſly in this behalf to provide for the *ſecurity* and *quietneſs* of the ſaid *Prelates* and *Clergy*, at the *ſupplication* of the ſame *Prelates* and *Clergy*, and of the *aſſent* of *Great men* and *Commons* aforeſaid, hath *ordained* and *ſtatuted*, that all the *Clergy* from *henceforth* to be called to the *Convocation* by the *Kings* Writ, and their *Servants* and *Familiars*, ſhall for *ever* hereafter fully *uſe* and *enjoy* ſuch *liberty* or *defence* in *coming*, *tarrying* and *going*, as the *Great men* and *Commonalty* of the *Realm* of *England*, called or to be called to the Kings *Parliament*, do *enjoy* and were wont to *enjoy*, or in time to come *ought* to *enjoy*.

Journ. Dom. Com. 19 Jac. Sabbathi 2 die Junii. Confirmation of the Order concerning all Patents adjudged Grievances

VI. The *Commons Houſe* of *Parliament*, in *Confirmation* of a former *Declaration* therein made, concerning the *ſtay* of all *Suits*, *Payments*, and other *Proceedings*, groun-

grounded upon any *Patent* or Commiſſion, *condemned* in the ſaid *Houſe*, as a *general* Grievance or *Inconvenience* to the *Subject*, until further *Order* and *Direction* given therein, hath this day again upon the *Queſtion Reſolved* it to be *fit*, that *none* of the *Patents*, Commiſſions, or other things *condemned* in this *Houſe* for *general Grievances* or *Inconveniences* to the *Subject*, ſhall be *put* in *execution*, until the *next* acceſs to *Parliament*.

VII. *It* is thought *fit* by the *Commons* Houſe of *Parliament*, that all *Suits*, *Payments*, and other *Proceedings*, grounded upon any *Patent* or *Commiſſion*, condemned in the ſaid *Houſe* as a *general Grievance* or *Inconvenience* to the *Subject*, ſhould *ſtay* till further *Order* and *Direction* to be given *therein*.

Journ. Dom. Com. Lunæ 26 Martii. Concerning all Patents adjudged Grievance.

VIII. It

Journ. Dom. Com. Sabbathi 17 Martii. Order pro *Churchill*. March 21. Sr. *Robert Phillip*'s Reports from the Committee appointed to examine *Keeling* and *Churchill*, who informed them of many Corruptions againſt the Lord Chancellor. April 25. A Committee

VIII. It is this day *Ordered* by the *Commons* Houſe of *Parliament*, that the *Serjeant* at *Arms* attending this *Houſe*, ſhall *attach* the *Body* of *John* Churchill, one of the *Deputy-Regiſters* of the *Chancery*, and him *ſhall* take into his *cuſtody*, and *bring* him to *this* Houſe upon *Monday* morning next, at 8 of the Clock; *and the ſaid Serjeant is in the mean time to keep him ſo, as none be ſuffered to ſpeak with him, but in the hearing of the Serjeant.*

for regulating the Chancery, and to conſider of *Churchill*'s falſe Orders, and the Faults of the reſt of the Regiſters. Sir *Dudley Diggs* ſaith, that *Churchill* was Regiſter, Councellor and Judge, referred to the Committee.

To

IX. *To the Honourable the Knights, Citizens, and Burgesses of the* House *of* Commons, *in this present* Parliament *Assembled. The humble* Petition *of the* Mayor, Bayliffs, *and* Burgesses *of the* Town *of* Northampton.

Anno 19 *Jac.* A Copy of the Petition remaining with *William Gouldsborough*, Esq; Clerk of the House of Commons.

THat whereas your *Petitioners* have been, and still are every way *conformable* to the *Kings* Majesties *Laws* Ecclesiastical, yet have they for these *many* years been *subject* to the great *grievances* of *John Lamb*, Doctor of the *Laws*, Chancellor to the *Bishop* of *Peterborough*, who not only *scandalizeth* the *Town* in general, as *factious*, *rebellious*, and *refractory* to his *Majesties Laws*, but also *countenanceth* the *lewdest* fellows in the *Town*, in their *opposing* of the *Governours* and *Government*; and by *himself* and his *Surrogates*, *Registers*, *Proctors* and *Apparitors*, and *others* whom he

The Complaint of the Mayor, Bayliffs, and Burgesses of *Northampton*, against Dr. *Lamb*, Chancellor to the Bishop of *Peterborough*.

M useth

uſeth as *Spies* up and down the *Town* and *Country*, citeth *men* and *women* to his *Courts*, upon *ſmall* or *no juſt* occaſion, but only to *enrich* himſelf and his *Followers*, keeping two *Courts* every fortnight for the moſt part, and carrying them away from the *uſual* place where they were wont to be kept, (as being moſt convenient) unto other ſmall Towns far *remote*; ſo that his Majeſties *Subjects* are conſtrained to *travel*, ſome twenty, ſome four and twenty miles and more, to their exceeding great *trouble* and *charges*, and to the hazarding of their *lives*; many being driven by reaſon of their *Courts* being kept ſo late in the night, by Candle-light, to travel home in the night-time what weather ſoever be.

And he hath made his own *Brother* Regiſter, and keepeth the *Office* and *Records* in his *own* houſe, and there maketh *Acts*, and *altereth* them at his *own* plea-

ſure,

ſure, and hath the moſt part of the *profits* of the ſame to *himſelf*, as is reported, his *Brother* only *bearing* the *name* of the *Regiſter*, but the *Chancellor's* own men for the moſt part ſupplying the *Office*; by reaſon whereof there is ſuch *pilling* and *polling* of the *Town* and *Country* continually, by *exacting* new *Fees*, and *extorting* great ſums of *Money* for *Probates* of *Teſtaments*, and *Letters* of *Adminiſtrations*, and by cauſing men to prove *Deeds of Gift* in their *Courts*; and to *examine* Titles of *Lands*, and to prove *Wills* there alſo, though they have been proved above in the *Prerogative Courts*; and by conſtraining Widows to give up *Accompts* of their *Adminiſtration*, ſeven or eight years after their *Husbands* deceaſe, *taking* five Nobles (at the leaſt) of every *one* for the *ſame*; by refuſing of *Wills* fairly *Ingroſſed*, and cauſing the *Regiſters* men to *write* them out *again*, and

ſo *putting* the *Country* to a *double* charge.

As alſo by *taking* great *ſums* of *Money* of divers perſons for *Commuting* of *Penance*, and not *beſtowing* it upon *charitable* uſes; by *Excommunicating* of *men* for *being* in the *company* of *others*, ſtanding *Excommunicated though they knew not of it*, and taking *exceſſive* Fees for the *ſame*; by *citing* men and women to their *Courts* for *trifles*, and taking *eleven groats Fee* of every one, though they *clear* themſelves; by *citing* ſome to the *Courts* in the *Churchwardens* names, without *their* conſent or knowledge; by *delaying* of *Cauſes* in the ſame *Courts*, eſpecially about *Aſſeſſments* for the *repair* of *Churches*, that it hath coſt ſome *Pariſhes* 20 *l.* 30 *l.* 40 *l.* ſome more, ſome leſs, before they could have an *end* of it; by bringing men to their *Courts* only upon the *Judges* ſuſpicion, and there tendring the Oath *Ex Officio*, upon

refuſal

refuſal whereof they have been *Excommunicate*, whereupon ſome have been driven to *Appeal*, which hath coſt ſome 2 *l.* ſome 10 *l.* ſome more, to their great *impoveriſhing*; by *citing* men and women to their *Courts*, for going to *another* Pariſh to hear Gods Word preached, when they had *no* Sermon at their *own* Pariſh-Church, and taking great *Fees* for the ſame; by *citing* men to their *Courts* for opening their *Shop-windows* upon a *Holiday*, though it hath been *Market-day*, as it hath been *accuſtomed*, and making men do *Penance*, and pay *Fees* for the *ſame*; and ſome for taking *Money*, and delivering of *Corn* upon *Holidays*, and for divers other *trivial* matters, making men to ſpend ſome 20 *s.* 30 *s.* 40 *s.* 50 *s.* ſome more, ſome leſs, to the *great* and *general* grievance of his *Majeſties* poor *Subjects: whereupon it is a general complaint, that it were far better for the Country to give his Majeſty*

Nota eſt Cyclopum vivendi ratio, quibus illa crudelis vox in Tragœdia attribuitur non ulla Numina expaveſco Cœlitum, ſed victimas, uni deorum maximo ventri offero, deos ignoro cæteros. In Præf. ad Covarru. opera.

an yearly Subſidie, then to be thus in continual vexation by the ſaid Doctor Lamb, *and his Officers under him:* in ſo much that there were ſo many *Petitions* put up by the *Country*, to the Honourable Sir *Edward Cook* Knight, ſitting as *Judge* in that *Circuit*, that the ſaid Doctor *Lamb* was *bound* to the *good behaviour* for the *ſame*, and *yet* the *grievances* offered by *him* are ſtill *continued.*

May it therefore pleaſe your *Honours*, in tender *conſideration* of the *premiſſes*, and in a *feeling* commiſeration of the *diſtreſſed Eſtate* of the ſaid *Town* and *Country* by that means, to take ſuch *ſpeedy courſe* for their *relief*, as to your *Wiſdoms* ſhall ſeem moſt *expedient:* And *they* and the *whole* Country ſhall *ever* be *bound* to *praiſe* God for your *Honours*, and to *pray* for your *proſperities*, *&c.*

Math. Sillesby.

Tho-

Thomas Martin's *Grievance.*

1. *Thomas Martin*, late of *Northampton*, being of the *Pariſh* of *All-Saints*, was preſented into Dr. *Lamb*'s *Court* by *William Harriſon*, and *Arthur Smith*, Churchwardens of St. *Giles*'s Pariſh, both *common* Drunkards; one of them upon *Record*, by the *advice* and *practice* of Mr. *Stockwell* the *Proctor*, upon a *Fame*, that he *having* in his hand a *Capons Rump*, ſhould *ay*, it would make as good a *Churchwarden* as the *Churchwarden* of St. *Giles*'s; Mr. *Martin denyeth* that he ſpake any ſuch *words*, and could never have his *Accuſer* come in; and if there were any *ſuch* Fame, themſelves *raiſed* it in an *Ale-houſe*.

2. They *preſented* him likewiſe upon another *Fame*, that the ſaid Mr. *Martin* ſhould in the *Church-Porch* of St. *Giles*'s, violently thruſt upon the *Wife* of *Humphry*

Hopkins, being with *Child*, to the *danger* of her *life* or the *Childs*.

The *ground* of this *Preſentment* was this: Mr. *Bird* being *preſented* to the *Viccaridge* of St. *Giles's*, at his *Induction* there was an *horrible Riot* committed in the *Church*, by the *means* of Mr. *Sibthorp*, (as was ſuppoſed) againſt Mr. *Bird*, and *one* baſe *Fellow* tript up Mr. *Bird's* heels, and *threatned* to *kill* him, if he would not *deliver* up his *Box* of Writings; Mr. *Martin* being *Mayor* was called for by the *Conſtable* to come to prevent *Murther*, where he found the *Church*-Porch full of the *baſeſt* People of the *Pariſh*, and going into the *Church*, perhaps ſome of his *Officers* might thruſt ſome out of his way; but the *Woman* proteſteth, that *he* never did her *hurt*, neither did *ſhe* ſay ſo, neither could *they* perſwade her *Husband* to bring an *Action* againſt him at the *Common-Law*, though *they* often *urged* him there-

Nota. Dr. *Sibthorp.*

thereto, and ſo *they* took this *courſe* in the *Spiritual* Court; yet the *Riotters* were never *preſented* into the *Spiritual* Court, becauſe they were *Amici Curie.*

Upon theſe *Preſentments* Mr. *Martin* was *cited* to appear at *Rowell*, 10 miles from *Northampton*, 2 years after the *pretended* Offences; but being *detained* about the *King's Service*, retained a *Proctor* to *appear* for him; *but* the *Chancellor* ſaid, it was a *matter* of *Office*, and therefore would *admit* no *Proctor* to *appear* for *him*, and preſently *excommunicated* him; whereupon he was forced to *appeal*, and ſince hath *uſed* all the *means* he could to have an *end* of this *Buſineſs* by ſome *Friends*, who wiſht him to *yield* to the *Doctor*, or elſe he would *weary him out*; ſo that he was forced to give him 50 *s.* and paid alſo 3 *s.* 8 *d.* for his abſolution, and yet can get no end of it to this day, but is in danger to be called

called again, though it hath coſt him 10 *l.* already.

3. Alſo a *Siſter* of the ſaid Mr. *Martins*, dwelling at *Leiceſter*, and coming to *Northampton*, was *deſirous* to go to St. *Giles*'s Church, to hear Mr. *Bird* preach, and *requeſted* one of Mr. *Martin*'s *Prentices* to accompany her to the *Church*, which he did, and they both went thither, and there ſtaid *Divine Service* and *Sermon*: For *this* the *Apprentice* was *cited* to the *Court*, and there troubled from one *Court* day to another, from *Northampton* to *Rowell*, 10 miles off, to the great *hindrance* of his *Maſter*; and at *length* they *enjoyned* him to pay 3 *s.* 8 *d.* which for *fear* of *Excommunication* he was *forced* to *borrow*, and ſo to *pay* them: And *ſhe* was *threatned* by the *Chancellor*, that he would make her keep her *Brother*'s Pariſh-*Church* when ſhe came to the *Town*.

4. And becauſe Mr. *Martin*, and

and divers other *Townſmen*, refuſed to give him *their* Voices, to be one of the *Burgeſſes* of *Parliament* for *Northampton*, (which he would fain have obtained both by *fair* means and *threatnings*) he *preſently* cited *many* to the *Court*, and there *troubled* them. And *amongſt* the reſt, the ſaid Mr. *Martin*, having about 3 years paſt, by the *Conſent* of the *Miniſter*, *Churchwardens*, and *Pariſhioners*, built a *Seat* in the *Church* for his *Children* and *Servants*, for their better hearing of *Divine Service* and *Sermons*, was *cited* before him about the ſaid *Seat*; and the *Chancellor* took it away from him moſt *unjuſtly*, (having coſt him 3 *l.* building of it) and gave it to 3 of the *ſtubborneſt* Fellows in the *Town*, all *oppoſers* to *Authority*, and one of them for his vicious life bound over to the *Seſſions*, and put out of the *Common-Counſel* of the *Town* for the ſame, and ſince preſented into the

the *Spiritual* Court, for *Incontinency* with 2 Women; and yet Mr. *Middleton*, one of the *Surrogates*, graced him *publickly* in that *Court*, and said, *he was thrust out of the Common-Councel for his honesty.*

15 May, 19 *Jac.* *Thomas Martin.*

The Speaker's Order upon the Petition. *Lamb*, Doctor in the Civil Law.

Whereas divers *Complaints* have been made against *John Lamb*, *Doctor* in the *Civil Laws*, Chancellor to the *Bishop* of *Peterborough*, for divers *Extortions*, *Oppressions*, and *Misdemeanours*, by him and his *under*-Officers committed, in the *execution* of the said *Office* in the said Dioceſs, and elſewhere. And whereas alſo it is *informed*, that you whoſe Names are hereafter ſet down, can *teſtifie* mutually againſt the ſaid *John Lamb*, Theſe are therefore by the direction, and on the behalf of the ſaid *Houſe* of *Commons*, to require you and every of

of you, that you make your perſonal appearance at the ſaid *Houſe* of *Commons*, the 29th. day of this inſtant *Month* of *May*, to teſtifie your knowledge in the premiſſes: Thereof I *require* you not to fail, as you will *anſwer* the *contrary* at your *perils*. Given under my Hand this 15th. day of *May*, 1621.

And it was further Ordered, that *Robert Sibthorp*, and *Richard Stockwell*, ſhould be ſent for, as Delinquents.

X. Mr. *Glandvile* reports from the *Committee* of *Priviledges*, the *Election* of *Monmouth*, and by an *Order* from the Committee, *Monmouth* was heard yeſterday: And they received this morning a *Petition*, that Mr. *Walter Steward* was *returned*, and that they think his *Election* not good: They object againſt him, becauſe a *Scotchman*, and not *Naturalized*. He forbore to come into the *Houſe*, till

Journ. Dom. Com. 21 *Jac.* 10 Martii. The Caſe of Mr. *Steward*, a *Scotchman*, elected to be a Member of Parliament, but rejected, becauſe a Denizen.

till he had *leave*. The *Case* of one *Lennis Monck*, a *Denizen*, returned and *sate* here; and so Sir *Horace Palavicino*. The *Committee* delivered *no* opinion in it: Two *Orders* and two *Petitions* delivered in, to have these *heard* in order as they come in.

Resolved that those which are already in, shall be proceeded in, in order as the *Petitions* were delivered.

Mr. *Glanville* thinks Mr. *Steward* ought *not* to sit here, *because* at the time of his *Election* he was *uncapable* of it; he that is made a *Denizen*, is not as an *Englishman*, *That* but only *personal*.

Sir *Dudley Diggs* in that Parliament when *Bacon* Attorney was in *question*, whether he ought to sit *here* or no, *Over-ruled* he ought *not*; yet in favour of him he was *suffered* to sit here, and an expres Order *that never any other Attorney after should*. To do the like by this *Gentleman*.

Sir

Sir *Edward Cook*. No *Alien Denizated* ought to ſit here:

Tros Tiriuſque mihi nullo diſcrimine habetur.

the other paſſed *ſub ſilentio*. Some ſit here that are *under* age, and ought *not* to ſit here, becauſe *not* queſtioned.

Reſolved that Mr. *Steward* hath dealt very worthily in forbearing to come and ſit in this Houſe.

Veneris 28 Maii.

Mr. *Glandvile* goes on with his *Report*: *Reſolved* upon *Queſtion*, the Election of Mr. *Walter Steward* being *no* natural *born* Subject, is *void*, and a *Warrant* to go for a new *Writ* for *Monmouth*.

Journ. Dom. Com. 21, 22 *Jac* Regis, Veneris 7 Aprilis.

XI. Sir *Robert Phillips* reports from the *Committee* for *Courts* of *Juſtice* 3 *Heads*: First, The *Petition* of the *Lady Darcy*; in it is a *Recital* of her Husband's dying ſeiſed of the *Manor* of *Sutton* in *Surrey*; with the *Advowſon*; a Grant was made to her and another by the *Court* of Wards, of

The Caſe of the Lady *Darcy*, againſt the Biſhop of *Lincoln*, Lord Keeper of the Great Seal of *England*.

the

The Lady and another were Grantees of an Heir by the Court of Wards Then presented a Clerk to the Bishop of *Lincoln*, but refused, who presented another. The Lady sues for a Writ of *Quare impedit*. The Cursitor denies it by Order of the Bishop being Lord Keeper. Whereupon she complains to the Commons, who refer it to a Committee. Debates in the Committee.

the *Body* and *Estate* of her Son, 1 *Aug.* 21 *Jacobi*, the *Incumbent* died; so she *presented* her Clerk to the *Bishop*; so the *Lord Keeper*, 3 *Septemb.* presented Doctor *Grant*, the *King*'s *Chaplain*. She was *advised* to seek her *ordinary* Course by a *Quare impedit*, which was denied by the *Cursitor*, who *said*, the *Lord Keeper gave directions for it* to be sued to the *King*, desires of this *Assembly* to have *relief*; this Petition was *retained* by the *Committees*, Parties on both sides *appeared*, and *Councel*.

It came into *question*, whether an *original* Writ might be *stayed*; the *Lawyers* vouched some *Presidents* for *it* in *Chancery*; the *Committee concluded* these were not *proper* in the *Cause*, and not to be *followed*, desires an *Accommodation* of this *Business* between the *Lady* and the *Doctor*; they gave a time, for yet they are clearly of opinion, that the *Lady* had

had *loſt* her *Right*, and to the *Heir* doubtful for him.

Propoſals by D. *Grant*, whom the Biſhop and Lord Keeper had preſented.

They received a *Petition* from Dr. *Grant*, who made *four proffers*: Firſt, he would willingly go to a *Tryal* with this Lady, without taking advantage of *lapſe of time*: If that could *not* be, he would *paſs* an *Act of Parliament* to ſet her *in ſtatu quo*: 3ly. would *refer* it to *four Judges*; to *ſix Lawyers* of this *Houſe*, if they ſhould ſay the *Right* was hers, he would *reſign*.

The Lord Keeper's Anſwer and Excuſe.

The *Committee* had an *Anſwer* from the *Lord Keeper* of *two* parts: Firſt, for the *denial* of the *Quare Impedit*, not his *purpoſe* to *juſtifie* it, but to *extenuate* his *proceedings* therein. A *Queſtion* there was between the *two* Courts, and no good *correſpondency* between the *Judges*; it was preſently after his *coming* into the place, neither *corruption* nor *malice* was in his *proceedings*: he offered a *Living* equivalent of this, to the *Lady*:

he would ſatisfie the *Lady* by any means this Houſe ſhould *direct*, and would *labour* to get a *Grant* from his *Majeſty* to ſell to the *Heir*; he had *never before*, *nor would do the like*; and *returned thanks to the Houſe*, for their *favourable Interpretation* of this his *Error*.

The Lady will ſtand and fall by the Judgement of the Houſe.

The Lady *Darcy* gave a *Negative* Anſwer to all; ſhe had *appealed* to the *Houſe*, could find no *better* Judgement, and to *this* ſhe would *ſtand*.

Conſiderations in the Committee.

The *Committee* took *two* things into their *conſideration*, the Ladies *own* particular, and the *publick*; For the *firſt*, they thought it the *ſafeſt* way to put in a *Bill*; ſhe was ſatisfied with this anſwer: For the *ſecond*, the *denial* of the *Writ*, divers *propoſals* made, but at laſt *reſolved* to preſent it to the *Houſe* without any *Opinion* of theirs, touching the *Offence* and *Error* of the *Lord Keeper*, was directed to *report* the whole Narrative to the *Houſe*.

Who delivered no Opinion, leaving all to the Houſe.

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Mr. *Brook* ſaid, he had never any *perſon* in admiration for *advantage*, had read the *Law*, there is a *Market* overt of the *Law*, the *Common Pleas*, and the *Chancery*, the Shop of Juſtice, the *Chancery*. Firſt, *No* doubt it's a *great* fault to deny an *original* Writ in the *Chancery*, but *not* ſo *much* as to *deny* a *Fine* in the *Common Pleas*; juſt Excuſe, and the offer of *Amendments*, doth much *extenuate* the *Offence*, which is but *ſingular*; the *Lord Keeper* might do this, to *vindicate* his *Right* from the *Uſurpation* of the *Court* of Wards; it cannot ſtand with the Gravity of this Houſe to *tranſmit* it; a man for one ſingle offence; *this will be admonition enough to him, that it hath been thus agitated in this Houſe.* Nota.

Debates in the Houſe by ſeveral Members thereof.

Sir *James Parrot* argued the *offence* of the *Lord Keeper*, in the *denial* of an *original* Writ; ſome Excuſes are alledged: Firſt done within a ſhort time after he came

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in *ignorantia Juris*, in a Judge.

Another Excuſe offered; a Contention between *two* Courts; this rather aggravates than extenuates his offence; being his own Caſe, he ought not to have ſtayed Juſtice; this thought a *ſole* fault, yet a *great* fault; But he thinks it not a ſole fault.

He is informed, that there are *more* Faults of the *like* kind objected to the *Lord Keeper*: Propoſed,

To have that *examined*; then it will be a ſole fault; two other Petitions before the Committees before the *Lord Keeper*, of Mrs. *Thomas*, and Sir *Francis Fuliambe*; to have theſe *two* fully *heard* to morrow, and *then* to grow to a *Reſolution* of this; in the mean time to have the *Curſitor* examined about the other, whether another *Quare impedit*, or *Ne admittas* was not *denied*.

Sir *Thomas Hobby* moved to begin in *order* with the parts of the

Re

Reports: First, To the *Writ* that which is amiſs in the Inheritance, and then to conſider of the *Faults*, to have the Bill read.

Mr. *Price* alledged, no *corruption* nor *ill* intention appears in the *Lord Keeper*; a *difference* between things *evil* in themſelves, and *evil* by *ſucceſs*; the *Lord Keeper* came *young* to his *Place*, and from a *ſtrange* ſpeculation, and found *this* Preſident; therefore to have ſome courſe taken to *right* the *Lady*, and to *limit that vaſt Court*.

Mr. Sollicitor thinks the *Anſwer* of the *Lord Keeper's* very *fair* and *ſatisfactory*, if it be rightly *underſtood*; and ſo the Debate went off.

The Debate goes off.

XII. Sir *Edward Cook* reports from the Committee of *Grievances*, a *Complaint* againſt the *Biſhop* of *Norwich*; the *charge* is *great* and *ſtrange*, conſiſting of *four* parts.

Journ. Dom. Com. 21 & 22 *Jac.* Regis, Veneris 7 Maii, 1624. The Caſe of the Biſhop of *Norwich*, impeached by the Commons.

The first head of his Charge.

First, the *City* of *Norwich* having 34 *Parishes*, he sent for the *Preachers* of the City, and *told* them *they* had *preaching* enough, and the *morning* preaching *needless*, wished them to *cease* the *Mornings* Exercise: this aggravated by divers Circumstances, a *Letter* written to him by the *Metropolitan*, about the *Kings* pleasure for *preaching* after this his *Inhibition*; the *Cathedral* Church, the *Elbow* of the *City*, not above 2000 can *hear*, yet all to come thither, above 20000 people in *Norwich*.

The second head.
Vide Rot. Parl. 17 *E.* 3. n. 59, 60
Vide *Pult.* Stat. 35 *E.* 1. fo. 92.
Fox vol. 1 f. 501
Rot Par. 21 *E.* 3 n. 1. 63.
The Stat. of Provisors, 25 *E.* 3. *Rast.* f. 98
Rot. Par. 38 *E.* 3
Rot. Par. 47 *E.* 3 n. 30.
Rot. Parl. 3 R. 2. n. 37.
Rast. Stat. 16 R. 2. cap. 5.

The second, * There came up *Images* and *Crucifixes*, counted *Laymens* Books, and the *Lord Bishop* blessed those that set up those *Ornaments*; a *Dove* in the *Font*, fluttering over the *water* to *Sanctifie* it. *Rot. Parl.* 18 *E.* 3. *num.* 32, 33, 34. the *Commons* dealt with the *Provisors*, they complained they had not *Spiritual food*, for *Cardinals* put into Churches

Shoe-

Shoemakers and *Taylors*. 50 *E.* 3. called *bonum Parliamentum*, a complaint of the *Popes uſurpation*,

Item, The King at the prayers of the Commons, ſhewing to him by Petition, how that *Prieſts* become very ſcant after the Peſtilence, to the great grievance and oppreſſion of the People, hath ſpoken to the Archbiſhop of *Canterbury*, and the other Biſhops, being in the *arliament*, to ſet thereupon a Covenable remedy; which Archbiſhops and Biſhops, at the motion of the King, and of the great men, ſaid in the ſame Parliament, that they have thereupon ordained in certain; that is to ſay, That the pain of Pariſh-Prieſts, by any manner of colour, receiving above 6 Marks, and other yearly ſinging, and not *intending* the *Cure* of *Souls*, taking above 5 Marks, without the Biſhop's diſpenſation, and ſuſpenſion of their Office, if they within the Month make not reſtitution, to the uſe of the Church in which they ſing, of that that they have above received. And the pain of People of holy Church, giving above 6 Marks or 5 Marks to Pariſh-Prieſts, or other yearly ſinging, as afore is ſaid, is to pay the double of that that they do exceſſively pay, to be converted to the uſe of Alms, at the Arbitrement of the Dioceſan of the Place; and all manner of Prieſts, intending their proper Service, as yearly ſinging, ſhall ſerve the Pariſhes, and be attending to the *Cure* of Souls, as he by the Ordinaries of the Place, or by them to whom he attaineth, ſhall be required, upon pain of ſuſpenſion of their Office, which they ſhall incur upon the deed, if they within the 20 days after that they ſhall be required, be not obedient to ſuch requeſts. And that no Prieſt, paſſing from one Dioceſs to another, ſhall be received there to ſing Divine Service, unleſs he ſhew to the Dioceſan of the Place, Letters commendatory, of the Biſhop in whoſe Dioceſs he laſt before dwelled. Wherefore the *King*, by the *Aſſent* of the *Great Men* and *Commons*, hath ordained, That if any ſecular man of the Realm, pay any more than *Five Marks to any Prieſt yearly in Money*, or in other things *to the Value*; or if he *pay to ſuch Prieſt*, retained to abide at his Table, above 2 Marks, for his Gown, and his other Neceſſaries, (his Table accounted to 40 *s.*) and thereof be attainted, he ſhall pay to the King fully as much as he paid to the ſaid Prieſt. *Raſt.* Stat. de Anno 36 *E.* 3. fol. 328. cap. 8.

not feeding the Flock; *Rome* called the *Sinful City*, and that all the *Ill* that hath befaln this Kingdom, hath come from thence. 17 *R.* 2. *num.* 22. 11. *H.* 4. and a great many more *Presidents*; so that this *complaint* is proper for this place.

The 3d. head. The third was, *Extortion* by orders of the *Archbishop*; and by their own *Canons* the *Fees* set down, these very much exceeded.

The 4th. head. 4. *Old Institutions* now registred, which is very dangerous for *disherisons*. They have not heard his *defence*. 40 *E*: 3. *inter Brevia*, a complaint against the *Bishop* of *Hereford* for *Non-residency*, not lying within his *Dioces*; all *Bishops* ought to be *Resident*, unless they be in the *Kings Service*: where the *People* are not taught, the *King* hath but half Subjects; the readiest way to make *Rebellions*. The Committee thought it worthy to be *transmitted* up to the *Lords*.

Re-

Reſolved upon *Queſtion* without a *Negative*, That this matter ſhall be *tranſmitted* up to the Lords, Sir *Edward Cook* to do it, and a Meſſage to be ſent to the Lords for a *Conference* about it.

The *Commons* deſire their Lordſhips for a Conference, touching ſome *Accuſations* againſt the Lord *Biſhop* of *Norwich*, (unto whichhis *Lordſhip* hath not yet been heard) Humbly leaving the time and place to their *Lordſhip*.

Die Sabbathi, viz. 8 die Maii, 1624. Jour. Dom. Proc. Meſſage from the Lower Houſe, by Sir *Coke*, and others

The Lords appointed the *15th.* of this Month to confer with the *Commons*, touching their *Complaint* againſt the Lord *Biſhop* of *Norwich*; being returned, the Lord Arch *Biſhop* of *Canterbury*, reparted the ſame to the *Houſe* to this effect, *viz.*

Die Mercurii, 19 Maii. The Lords appoint a day for Conference with the Commons.

That the *Commons* had received a Complaint exhibited by the *Citizens* of *Norwich*, againſt the ſaid Lord *Biſhop*, and to ſhew that it was ordinary for the *Commons* to complain of the *Governours*

The Archbiſhop of *Canterbury* reports the heads of the Conference.

Authorities for the Power and Right of the Commons to meddle in this Cauſe.

nours of the *Church*, divers *Records* of *Parliament*; were *cited*, *viz. Anno* 25 *E.* 3. 17 *R.* 2. and 11 *H.* 4. all which were *cited* to ſatisfie *tacite objectionis*, for their medling with a cauſe of this nature.

Their Charge againſt the Biſhop under ſix Heads.

That the charge againſt the Lord *Biſhop* conſiſted of ſix parts.

Preachers.

1. That he *inhibited* or *diſhartned* *Preachers* on the *Sabath day*, in the *Forenoon*.

Images.

2. That *Images* were ſet up in the *Church*, and one of the *Hoey Ghoſt*, *fluttering* over the *Font*, and a Marble Tomb pulled down, and *Images* ſet down in the room, and the *Biſhop bleſſed* them that did it.

Prayer towards the Eaſt.

3. That he *puniſhed* thoſe that Prayed not toward the *Eaſt*.

Catechizing, and ſinging Pſalms.

4. That he *puniſhed* a Miniſter for *Chatechiſing* his Family, and *Singing* of *Pſalmes*.

Nota.

Extortion.

5. That he uſed *Extortion* many ways.

Inſtitutions not entred.

6. That he did not enter *Inſtitutions* to the *prejndice* of Patrons.

For

For the *first*, it was ſaid that there was 34. *Churches* in *Norwich*, and in thoſe Pariſhes 30 or 40000 People; That the Lord *Biſhop* ſent for the *Preachers* by *Apparitor*, and told them there was *no* need of *Preaching* on *Sunday* in the *Forenoon*, except in the *Cathedral* Church, where 2 or 3000 only could hear, many dwelling three quarters of a Mile off, and many being old, and not able for their Age to come ſo far. The 1ſt. head concerning Preachers.

That this *Inhibition* was, when the *King* had commanded more Preaching. That his *Lordſhip* connived at *Recuſants*: All which was to the *diſheartning* of good *Profeſſors*.

It may be objected, his *Lordſhip* allowed of *Catechizing*, *ergo* no *Preaching* neceſſary; but he commanded to ask bare Queſtions, and nothing elſe, *ergo* no Inſtructions.

That this is done againſt the *Canons* of the *Church*; and that there

there is no obedience without knowledge; the outward man is not conformed, unleſs the inward man be reformed, and cited the Canons, *Quicunque contriſtaverit Doctorem veritatis, peccat in Chriſtum*; and the Canon, 1 *Jac.* c. 45. for Command of Preaching,

The 2d. head touching Images.

For the 2d. touching the ſetting up of *Images*, it was ſaid to be againſt *Acts* of *Parliament*, againſt the *Canons* of the *Convocation*, the Book allowed in the King's time of 28 *H.* 8. c. 30. againſt *Images*; Pilgrimages will follow, againſt 3 *E* 6. and the Homilies approved, *Anno* 1 *Eliz.* forbidding of Images in Churches.

The 3d. head concerning Prayer towards the Eaſt.

The 3d. for *Prayer* to the *Eaſt*, which *Gratianus* affirms, came by Tradition, *part* 1. *Decret.* 11. and that it is Superſtitious, *Lingwood* in his *Gloſs. Lib.* 2. Title *de Feriis*, *non refert ſi verſus orientem*, &c.

That the Lord *Biſhop Excommunicated* many, and *enjoyned* Pe-

Penance to divers for not *Praying* to the *East*, and ſome did their *Penance*, with a whith Rod in their hand for proof, whereof it is under the Biſhops hand.

The fourth, one *Peck* a Miniſter *Catechized* his Family, and ſong *Pſalms*, and his Neighbours came in on the *Sundays* after Evening Prayer, and the Lord *Biſhop* enjoyned them to do *Penance*, for this their reſorting to *Catechiſme*, and ſinging of *Pſalms*, and to ſay, I confeſs my *Error*; which Acknowledgment is under the *Biſhops* hand, they which refuſed, were *Excommunicated*, and *paid* 7 *l.* charges. The 4th. head touching Catechizing and ſinging Pſalms.

5. Touching *Extortions* was ſhewn, That in the *Table* of *Fees*, is ſet down, from *Inſtitutions* 24 *s.* 8 *d.* whereof to the *Biſhop* 10 *s.* That this Lord *Biſhop* is *Regiſter* alſo; and now his Lordſhip taketh for *Inſtitutions* 3 *l.* 5 *s.* and for united *Churches* double, *viz.* 6 *l.* 10 *s.* and that *Communi-* The 5th. head touching Extortion.

bus

bus Annis, there are 100 *Inſtitutions*.

For *admiſſion into ſacred Orders*, *nothing ſhould be taken*; *if any*, *it is Symony*; yet the Lord *Biſhop* hath now *taken* 30 *s.* or 28 *s.* the *Biſhop* and *Regiſter* being all *one*.

To *ſerve* Cure, 5 *s.* is *due*, his *Lordſhip taketh* 6 *s.* 8 *d.*

To teach *School*, 3 *s.* 4 *d.* his *Lordſhip taketh* 6 *s.* 8 *d.* and if of *ability*, 10 *s.*

For every *Conſignation* of a *Decree*, 4 *d.* which cometh to 3 *l. per annum*, for which there ſhould be *nothing* paid, *no* Conſignation being in the *Table*, but with another Hand ſet down in Archbiſhop *Whitguift*'s Hand.

The 6th. head touching non-Regiſtring of Inſtitutions.

Sixthly, That the *Inſtitutions* to *Benefices* are not *regiſtred*, which *overthroweth* Patronages, if it be returned, *Scrutatis Archivis non invenitur*, when the Right comes in queſtion; yet the *Fees* are greater than *before:*

The

The Commons concluded with theſe *two* Remembrances. The *firſt*, That they received this *Complaint* before *Eaſter* laſt, yet they *proceeded* not in the *Examination* thereof, till they received a Certificate of the *Mayor* of *Norwich*. The *ſecond* is, That there is a Law that none ſhall be *puniſhed* for *complaining* in *Parliament*. The Concluſion of the Commons.

This *Report* ended, the Lord *Biſhop* of *Norwich* ſtood up in his place, and anſwered the ſame to this effect, *viz.* The Biſhop ſtood up and Anſwered the Charge of the Commons. His Introduction.

The Anſwer of the Lord Biſhop of Norwich, *to the Complaint of the* Commons.

Firſt, his Lordſhip confeſſed the Charges in the ſaid Complaint to be ſo great, and ſo grievous, that, were he *guilty* thereof, he would deſire himſelf to be puniſhed: Which, whether he be *guilty*, or not, he will leave to their

their *Lordſhips* moſt exact and ſevere *Examinations*; wherein he deſired them not to ſpare him, and he would ever acknowledge and commend their Juſtice and Honour.

His Lordſhip *proteſted* he was *not* way *guilty* of the *firſt* part of his *Accuſation*; If he were, then he was *unworthy* to bear the *name* of a *Clergy-man*; and ſhewed the *unworthineſs* of ſuch as ſhould *diſhearten* Preachers from Preaching the Word of God: His Lordſhip ſhewed alſo, (deſired firſt that he might not be taxed with Oſtentation,) his own Practice in Preaching, while he was *Vicar* and *Parſon*, That he Preached every *Sabbath* in the Morning, and Catechized in the Afternoon, and that he continued the like in *Chicheſter*, when he was *Biſhop* there.

That in *Norwich* he never miſſed the publick Place, and ever Preached there againſt *Popery*, though

though he had been an unprofitable, yet he had not been an *idle* Servant, which was now his *only* comfort.

As touching *Preaching* and non-*Reſidents*, he hath been reckoned more than half a *Puritan*. His *Lordſhip* remembred his manner of leaving his Service with the late Lord *Archbiſhop* of *Canterbury*, that he might *go* to his *Cure*.

His *Lordſhip* wondred why *he* ſhould be thought a *Papiſt*; he thought it might be long of his *Diſputation*, and his *Sermon* at *Paul's* Croſs of *Predeſtination* negative, unadviſedly preached by him, for which he was *checked* by the Lord *Archbiſhop Whitguift*, and commanded to preach no more of it; and he never did; though Dr. *Abbot*, *Biſhop* of *Sarum*, hath ſince declared in Print, that which he then preached to be no *Popery*; *That Popery is a fire that will never be quiet*: He hath preached 100 Sermons ſince,

and nothing of *Popery* can be imputed unto him out of any of them.

That there be divers *Obſtacles to* keep *his* Lordſhip *from* Popery.

1. The *Uſurpation* of the *Pope* of *Rome*. His *Lordſhip affirmed*, That no Power on Earth can touch a Prince; and that therefore he *abhorred* the Uſurpation of the *Pope* over *Princes*.

2. Their *Religion* is *dyed* with *Blood*. The practick *courſe* of their Religion is all by *Jugling* and *feigned* Miracles, of which his *Lordſhip* had *written* a *Book* againſt them, which was *never* yet *anſwered*.

3. That he *never* ſpake with *Prieſt* or *Jeſuit*, nor ever *invited* a known *Recuſant* to his *Table*, for they never ſay *Amen* to our Prayers.

4. That their *Equivocation* is the *laſt*, worſe than which *nothing* can

can be; *his Lordſhip held it much better to talk with the Devil, than with ſuch.* Then his *Lordſhip profeſt* himſelf to be a *true* Member of *this* Church, and acknowledged the *Church* of *England* to come *neareſt* to the *Primitive* Church; that we fetch not our *Reformation* from *Wickliff*, *Huſs* and *Luther*, of later Times, but from the *firſt* 400 years next *after Chriſt.*

1. As touching the *firſt* part of the *Accuſation*: His Lordſhips anſwer to the firſt head, Preachers.

His *Lordſhip confeſſed*, That 6 or 7 of the abler ſort of *Miniſters* in *Norwich*, uſed to *expound* in their own *Churches* before the Sermon begun in the Cathedral Churches, and many reſorted from other Places to thoſe Expoſitions, (for all the Churches have not Preachers,) and in the Afternoon to their Sermons.

The *Preachers* themſelves *found* fault with *this*, being willing to be rid of the *pains*, as his *Lordſhip thought*; for they were to

preach in the *Afternoon*, and in the Week-days, and ſhewed him many *Diſorders* therein, which they *pretended*; as the *cutting* off part of the *Prayers*, or their beginning ſo *early*, that many could not come to the *Common* Prayers, and the like; and they *beſought* his *Lordſhip* to *remedy* it, for that they being but *ſtipendary* men, were *loth* to do it, for *fear* belike to *loſe* their *Stipends*. Whereupon his *Lordſhip ſent* for *them* by an *Officer*, and willed them to *omit* thoſe *Expoſitions* in the *Forenoon*; and yet his *Lordſhip* hath ſince *taken* order for the erecting of *three* Sermons, in the moſt remote *Places* of the *City* from the Cathedral Church; and his *Lordſhip* hath *erected* many *Lectures* in ſeveral *Places* in the Countrey.

His anſwer to the ſecond head, Images.

2. As *touching* the *Images* in the *Church*, what was *done* is done *without* his knowledge. It is meant by St. *Peter's* Church, that his

his *Lordſhip* never ſaw that *Church*, till one Evening as he came by; and being often before informed of much Coſt done upon that *Church*, he went in, and *kneeled* down to his *Prayers*, as his uſe is; and when he roſe up, *perceiving* that they had beſtowed *very* great *Coſt*, and not ſeeing or knowing at all of any *Image* ſet up there, he *ſaid*, *God's Bleſſing on their hearts, that had beſtowed ſo much Coſt on God's Houſe.*

His anſwer to third head, Prayer towards the East.

3. As touching *Prayer* to the *Eaſt*, he never *enjoyned* it, nor *heard* of it till *now*.

His Anſwer to the 4th. head, Catechizing, and ſinging Pſalms.

4. For the 4th. part of his *Complaint*, he perceiveth, That he hath been *ſifted* for the whole *courſe* of his Life: That this *Peck* was ſent to his Lordſhip by the *Juſtices* of the *Peace*, for an Aſſembly late at night in his Houſe, his *Catechizing* being but a *colour* to draw them *thither*: That this *Peck* had infected the *Pariſh*

with *ſtrange* Opinions; as not to *kneel* when they came to *Church*; that the Name of *Jeſus* is no more than a *common* Name, and that it is *Superſtition* to bow down at the Name of *Jeſus*. His Lordſhip further *affirmed*, That this *Peck* had been formerly *convicted* for *non*-Conformity, *Annis* 1615, & 1617. and for *Symony*, and *Conventicles* in his Neighbour's houſe, as appears by the Acts of the Regiſter, *Fatetur*.

And that *Anno* 1622. he was taken in his Houſe with 22 of his Neighbours at a Conventicle: That he was now bound over by a *Juſtice*, and ſo brought to his Lordſhip, and his *Sentence* againſt *Peck* was only, That he ſhould *confeſs* his Fault.

The others mentioned in this part of the Charge, were puniſhed for their *Opinions* alſo, making *no* difference between an *Ale-houſe* and the *Church*, till the Preacher be in the Pulpit. His

Lord-

Lordſhip ſaid, He much confeſſed his fault, that in the Penance he enjoyned them, he cauſed them to confeſs their Errors, omitting their reſort to Conventicles, which he did at their own earneſt ſuit.

5. His Lordſhip *abſolutely* denied, That he *improved* any *Fees*, and *affirmed*, he hath *not* any of thoſe *Fees* that are complained of, *only* the *Fee* for *Inſtitution*, which he *took* as his *Predeceſſors* did; if therein he hath *committed* any *Error*, *Erravimus cum Patribus*; and denied, that he ever had ſeen that *Table* of *Fees*, which is ſpoken of by the Commons. His Anſwer to the 5th. head, Extortion.

6. His Lordſhip *affirmed*, That he had *regiſtred* all the *Inſtitutions*. His Anſwer to the 6th. head, non-Regiſtring Inſtitutions.

This was the *Effect* of the Lord *Biſhop's Anſwer*; which being ended,

The *Prince* his *Highneſs* told his *Lordſhip*, That he had not anſwered touching the *Paraphraſe* of the *Catechiſm* taken away by him.

Whereupon his *Lordſhip* replied, That the *Preachers* uſed to chooſe a Text of the *Creed*, &c. and to ask the Child ſome one Queſtion, and then to debate very long upon it, and never deſcend to the capacity of the Child: That his *Lordſhip* did not forbid the Explanation, but willed, that it might be Catechiſtically.

The Concluſion of his Anſwer.

Thus ended the Lord *Biſhop* of *Norwich* his *Anſwer* to the ſaid *Complaint.*

The Lords for want of time refer the Commons Complaint to the High-Commiſſion Court to examine. And after report to the Houſe. Which will then judge thereof.

It is this day Ordered, that in reſpect of the *Streightneſs* of *time*, that the *Complaint* of the *Commons* againſt the Lord *Biſhop* of *Norwich*, ſhall be *referred* unto the *High* Commiſſion, to be *Examined* by them, and they to make *Report* thereof to the *Houſe*.

And then the *Houſe* will *judge* thereof.

Journ. Dom. Proc. 1 & 2 *Car.* 1. 10 Mart.

XIII. *Timothy Pinckney* who had *Petitioned* the *Lords* 21 *Jac.* to be *relieved* for a Debt owing to

to him and others, from Sir *John Kineday*, and that *Barne Elmes* ſhould be *Sold* for that *purpoſe*, which the *Lords* then ordered; And appointed a *Commiſſion* to Iſſue out of *Chancery*, directed to certain *Judges*, to examine the *pretences* of the Creditors, and *ſee* them *ſatisfied*, he Complains *now* of the Biſhop of *Lincoln*, late Lord *Keeper*, for *refuſing* to grant out ſuch a *Commiſſion*, and *ſlighting* the *Order*.

The Proceedings of the Lords againſt the Biſhop of *Lincoln*, late Lord Keeper, for refuſing to obey their Order.

The *Committee* had taken the Depoſitions of *three* Perſons, who had been firſt *Sworn* in the *Houſe*; The Lords took into *conſideration* this *contempt* of their *Order*, heard the Depoſitions read, and appointed Sir *Charles Cæſar*, and Sir *Robert Rich*, to go and *Examine* one *Kelwood*, who was alſo *preſent*, when the ſaid *Lord* Keeper refuſed to obey the ſaid *Order*; and Miniſter an *Oath* unto him, to tell what he knows of any *notice* given to the *Lord* Keeper of the

the ſaid Order, and who was preſent

Sir *Ch. Cæſar* and Sir *Robert Rich* report the Examination of *Kellwood.*

March the Second, Upon Sir *Charles Cæſar*, and Sir *Robert Rich* their *Report*, of their *Examination* of *George Kellwood*, touching the Biſhop of *Lincoln*, not obeying the *Order* in the buſineſs of *Pinckney*, the Lords *Order* that the Depoſition, after they had heard it read, and the *Depoſitions* of the other three Perſons formerly taken to be ſent to the Biſhop of *Lincoln*, who was to return an *Anſwer*, under his *hand* that day following.

The Lords order that the Biſhop ſhall anſwer under his Hand.

The Biſhop ſends his Anſwer.

March the 16*th.* The Biſhop of *Lincoln* ſent his *Anſwer* to *Pinckney*'s Complaint, according to the order of *March* the 2*d.* in Writing, to this effect; Firſt, in general *denyed* he ſhould have *Spoken* any thing in contempt of their Lord ſhips *Order* in *Parliament* 21 *Jac.* having always in his heart, born ſuch a *reverence* to them, for *non Arbitramur quenquam dicere quod non*

non ſentiat, and for the particulars, as he remembers, it being two years ſince, that there had been a miſtake in the *Clerks* entering it, according to the ſence of the *Houſe*, and *Pinckney* had then concealed from their Lordſhips, a former Refference by the *Parliament*, and the *King* himſelf, to the Lord *Keeper*, the Maſter of the *Rolls*, and ſome *Judges*, who had made a *Decree* in it; And admit all were true, that is complained, yet he had ommitted the time of the Complaint, of a *verbal* contempt, near two years being paſt, and two *ſittings* of *Parliament*, wherein he had been ſilent; *Verbal Injuries*, according to the *Civil* Law, muſt be complained of within the year, *aliter remiſſæ cenſentur*: Contempts muſt be preſſed the next *Term*, or ſitting of the *Court*, againſt which they are committed; *Scandalous* words againſt the King, muſt be Complained of within three Months;

Months; Words of *High Treaſon*, are by the *Laws* confined to be Complained of within 6 Months.

All *Informations* againſt any Penal *Law*, made, or to be made, muſt come within the compaſs of *one* year, unleſs it be *Ex parte Regis*, who hath a year longer; And it is impoſſible for any Man to give an *Account*, of every phraſe he ſhall uſe *Twenty* Months after the words Spoken, *Lubricum tantum linguæ non eſt ad judicium trahendum*, ſay the *Civilians*. And that his *Heart* did never conceive the leaſt *Derogation* of any *Order* of that moſt *Honourable Houſe*, on the bare intimation of any one Peer that ſitteth in the ſame. One paſſage in his Anſwer, was, That *Kellwood*, and eſpecially *Kennedy* (a Man Condemned to Death in *Scotland* for Forgery,) are Perſons *Infamed*, and their Credits to be Examined before they be admitted as Witneſſes againſt a Peer of the *Realm*, and

and a Lord *Keeper* of the *Great* Seal, as he then was. At the end of the Paper was Written, *Recepi* 5. *Expedii* 9 *Martii* 1625. *John Lincoln.*

This Anſwer was *referred* to the *Committee* for *Petitions*, to conſider whats fit to be done for the *clearing* of the *aſperſion* laid by the *Biſhop*, on the *Lords* Sub-Committees appointed for the *Journal* Book, and what for the relief of *Pinckney*; for thoſe had certified it to be a *true Order*; Notwithſtanding he ſaid it was miſtaken by the *Clerk*, and had not obeyed it.

The Biſhop's Anſwer referred to a Committee.

17 Martii. The Committee report.

The *Committee* Report, they find *two* defects in this Anſwer: 1. That he doth not *clearly* acknowledge his *Contempt* in not obeying the Order. 2. His *Aſperſing* the *Lords* Sub-Committees, by *ſaying*, it was a miſtaken *Order*, when they had *certified* it a true one. Their *Opinion* is, That the Sub-Committee be *cleared*, and the *Biſhop acknowledge* it a true *Order*,

And give their opinion, that the Biſhop ought to acknowledge his error and offence, to be ſorry, and ask pardon.

Order, and ſignifie to the *Houſe*, that he is *ſorry* he was ſo *miſtaken*, and thereby given *juſt* offence to the *Houſe*, and to the Lords of the Sub-Committee; then Acknowledge his *Error*, and aſk their pardon, ſo Ordered.

And ſo ordered by the Houſe.

May it pleaſe your moſt Honourable Lordſhips.

Die Jovis, 23 Martii. The Biſhop purſuant to all which obeys.

YOur Lordſhips having reſolved the order touching *Pinkney* of the 28 of *May* 1624. To be an *Order* of that Moſt Honourable *Houſe*, *truly and juſtly* entered; I do moſt willingly *acknowledge* as much, and am very *ſorry*, that through a *weak* memory, and *information* of ſome parties *intereſſed*, who pretended to have *ſerached* the *Clerks* Book the 29 of *May* 1624. And to have found there at that day, no ground at all for any ſuch *Order*; I have had in my thoughts ſome *ſcruples* to the *contrary*, to the

Nota. His Contempt in a former Parliament cenſured in this.

the *offending* of the moſt *Honourable Houſe*, or any one of the *Lords* of the *Sub-Committee*, who (as I now underſtand) have *Subſcribed* the ſaid *Order*; And I do *Humbly* deſire your moſt Honourable Lordſhips in *General*, and thoſe *Noble* Lords in *Particular*, to *Pardon* the *Errour* I have herein *committed*, and I ſhall *pray* unto *God* to *bleſs* and *proſper* your moſt Honourable *Lordſhips*.

John Lincoln.

Which *Acknowledgment* their Lordſhips all accepted in full ſatisfaction from the ſaid Lord Biſhop.

XIV. Ordered, Enſign *Reynde* to be *ſent* for, and *brought* up as a *Priſoner* before the *Lords*, to anſwer a high *Contempt* againſt the *Parliament*. The Witneſſes who have informed thereof, are to be required to attend when *Reynde* comes. Or-

Journ. Dom. Proc. 3 *Car.* 1. Die Martis, 27 Maii. The Caſe of Enſign *Reynde*, for Miſdemeanour, and Contempt againſt the Parliament and the Ld. *Say*

Die Veneris, 30 Maii, The Serjeant at Arms ordered to take him.

Ordered, the *Serjeant* at *Arms* to make ſuch and ſo many *Deputies*, for the apprehenſion of *Henry Reynde*, as the Lord *Say* ſhall appoint, and his *Captain* to be *warned* to bring him *hither* by a day.

Die Martis, 30 Junii. Witneſſes ſworn againſt *Reynde*.

Theſe *men* were ſworn touching the Information againſt *Henry Reynde*, Enſign-Bearer to the Souldiers at *Banbury*, viz.

George Phillips. *Obadiah Lord.*
John Hayns, *John Hele.*

Who prove the inſolent and opprobrious Speeches ſpoken by *Reynde*.

And being examined, did *teſtifie* the *inſolent* and *opprobrious* Speeches *ſpoken* by the ſaid Enſign *Reynde*, *againſt a Peer of the Realm, and his contempt of this High Court of Parliament.*

The *Lords conſidering* that the ſaid *Reynde* was by *Order* of this *Houſe*, ſent for by the *Serjeant* the 27th. of *May*, and could not be *found*, but yet came early one *Morning* to the *Clerks* Office,

to

to understand whether any other *cause* of Complaint was against him, save the *Information* of those opprobrious *Speeches*; and instantly departed, and ever since *hides* his head.

Reynde hides his Head.

Their Lordships Order.

Elvenston his Captain to be sent for, to be here to morrow Morning.

And the *Duke* of *Buckingham* did declare his opinion, that the said *Reynde* deserved a *severe censure*; and *promised* to the *House*, to lay all the *Ports* for him, and if he can be found, or shall ever come into the *Army*, he will *cause* him to be *sent*, to receive such *censure* as shall be *agreed* on against *him*.

The Duke of *Buckingham* promises he will cause him to be sent for.

Captain *Elvenston* being *called* before the *Lords*, did *affirm* that he had not seen his *Ensign Henry Reynde* this *Fortnight*, and *thinks* he is not in *Town*; He was com-

Die Mercurii 4 *Junii*. The Captain affirmed he had not seen *Reynde*.

Is commanded to bring him to the House when he finds him. Or inform the House.

manded to bring him to the *House* whensoever he shall *find* him, and so soon as he shall understand where he is, to inform the *House* thereof.

Die Lunæ, 9 Junii. The Lords proceed to censure *Reynde*.

The Lords *taking* into *consideration*, that *Henry Reynde* will not be *found*, and *Resolving* to *proceed* to a *censure* against him, for his *Ignominious Speeches of the Parliament*, and of the *Lord Say*, they first voted and *adjudged* him *unworthy* to bear *Arms* hereafter, or to be accompted a Souldier.

But the Duke inform'd the House he was found.

Then their Lordships propounded divers other *parts* of a *Censure* against him, but the *Duke* of *Buckingham coming* in before the *Conclusion* thereof, his Grace *told* their Lordships, that the said *Reynde* is now *found*. Whereupon it was *Ordered*, the said *Reynde* to be brought hither to morrow Morning.

Journ. Dom. Proc. die Mercurii, 11 Junii.

The *Duke* of *Buckingham* excused himself, for not *bringing* of *Reynde* to his answer according to his

his promiſe; for that he *ſhifts* his *Lodging* every night, but *promiſed* again to *do* his *beſt* to bring him to morrow Morning.

The Duke excuſeth himſelf, becauſe *Reynde* ſhifts his Lodging.

Ordered, If *Reynde* do not *appear* here to morrow Morning, then to *proceed* againſt him in the *cenſure*.

The *Lords* were put in mind of their *Order* yeſterday, if *Reynde* were not brought this Morning, to *proceed* to ſentence againſt him notwithſtanding. *Whereupon* the *Duke* of *Buckingham* ſignified unto their *Lordſhips*, with what *care* and *induſtry* he had endeavoured to bring the ſaid *Reynde* before their *Lordſhips*, but he is ſo *apprehenſive* of their *cenſure* which he *deſerves*, that he cannot be found; *Yet his* Grace ſaid, he *doubted* not but to bring him to morrow Morning, and deſired their *Lordſhips* to proceed notwithſtanding; now in their *ſentence* againſt him, and with the

Die Jovis, 12 Junii, 1628. The Lords give Sentence againſt *Reynde*.

more *ſeverity*, becauſe he had ſo often *deceived* his Grace.

The Sentence. The *ſentence* of the Lords *Spiritual* and *Temporal* in *Parliament* aſſembled, *againſt Henry Reynde, Enſign-bearer* to the *Band* of *Soldiers Billetted* in *Banbury*, for the *Ignominious Speeches*, uttered by the ſaid *Reynde*, againſt the ſaid *Lord Say and Seal*; *And for his contempt of this High Court of Parliament*; which ſentence was this day pronounced againſt him, by the *Lord Keeper*, (*viz.*)

Never to bear Arms. 1. He the ſaid *Henry Reynde* is never to *bear Arms* hereafter, but is *accompted* unworthy to be a *Souldier*.

Impriſonment during pleaſure. 2. He is to be *Impriſoned* during *pleaſure*.

To ſtand under the *Pillory* in *Cheap-ſide* and at *Banbury*. 3. He is to *ſtand* under the *Pillory*, with *Papers* on his *Head*, ſhewing his *Offence*; at *Cheap-ſide, London*, and at *Banbury*.

Fined 200 *l.* 4. That he is to be *Fined* at 200 *l.* unto the *King*.

5. He

5. He is to ask *forgiveneſs* here, of all the *Lords* of *Parliament* in *general*, and of the *Lord Say* and his *Son*, both here and at *Banbury*. To ask Pardon here, and at *Banbury*.

And it was then alſo *Ordered* by their *Lordſhips*, that the Lord *Keeper* ſhould move his *Majeſty*, for the *Houſe* of *Parliament*, to *apprehend* the ſaid *Reynde*, with a *promiſe* of *reward* unto him that that ſhall *take* him. The Lord Keeper to move the King for a Proclamation to apprehend him.

And it was then alſo *Ordered*, that the *Kings principal Secretary*, ſhall *Write* unto his *Majeſties* Agent in the *Low Countries*, that he *ſignifie* this *cenſure* of the *Lords*, unto all the *Colonels* and *Captains* there, and that his *His Majeſties* pleaſure is, they *give* no *entertainment* to the ſaid *Reynde*. The Secretary to write into the *Low Countreys*, not to entertain *Reynde*.

And the *Court* of *Star-Chamber* is to put this *ſentence* in *Execution* againſt the ſaid *Reynde*, if he ſhall happen to be *apprehended* after this *Seſſion* is ended, and out of time of *Parliament*. The Court of Star-Chamber to ſee the Sentence executed out of time of Parliament.

The Lord *Say* (who withdrew himſelf, when the Lords gave this *Sentence*) gave their Lordſhips *Humble* thanks, for the *ſenſe* they had of his *Honour*, and their *Noble* zeal they had in preſerving of it.

Die Sabbathi, 14 Junii.

Ordered, the *Court* of *Star-Chamber* to put in *Execution* the *Sentence* againſt *Reynde*.

Journ. Dom. Proc. 1 & 2 *Car.* 2. 13 Jun. The Caſe of *George Gardiner*, for counterfeiting Protections.

XV. Whereas *George Gardiner* did lately ſtand in the *Pillory*, by the *Cenſure* of the *Houſe*, for *counterfeiting* of *Protections*, and ſelling them; it was now informed, that he did not only in *ſcorn* thereof ſay, that he would *ſtand* in all the *Pillories* in *England* for 2 *s. per diem*, but alſo *gave* out *threatning* Speeches againſt the *Lord Keeper*; wherefore he was this day *brought* to the *Bar*, and the *Speeches* proved againſt him.

It was Ordered, That he ſhould *ſtand* in the *Pillory* here at *Weſtminſter* with a *Paper* on his *Head*, *declaring his Offence*, *for ſcandalizing*

lizing the Juſtice of this Houſe, and unjuſtly ſlandering the Lord Keeper, and to ride backward with the ſame Paper to the Croſs in Cheapſide, *and to ſtand in the Pillory there, and to ride back to the* Fleet *in like manner.*

And whereas *George Buttrice* and this *George Gardiner* (*Buttrice* alſo having *bought* a counterfeit Protection) have *commenced* Suits againſt one *Henry Lane*, who firſt informed the Earl of *Huntingdon* thereof, whoſe *Protections* were counterfeited and ſold, the ſaid Suits not being for *juſt* Debt, but for meer *vexation*, as in the Petition of the ſaid *Henry Lane* is contained:

It is Ordered, the ſaid *Gardiner* and *Buttrice* to ſtay all Suits againſt the ſaid *Lane*, for the Cauſes in the ſaid *Petition* contained.

XVI. Sir *Walter Earl* Reports from the *Committee* about the *Deputy-Lieutenants*. Sir

Journ. Dom. Com. 3 Car. Friday, 9 May.

The Case of Sir *William Welby* a Deputy Lieutenant, for raising Money, and illegal Commitments.

Sir *William Welby*, a Deputy-*Lieutenant* for *Lincolnshire*, is complained of, that he sent a *Warrant*, as a Deputy-*Lieutenant*, to *commit* two Persons to *Gaol*, for refusing to *pay* certain *Taxes* for *military Affairs*. Also one Mr. *Norwood* complains, that it is the usual course of the said Sir *William Welby*, to raise *great* sums in the *Countrey* in *military* Affairs, but it is for the Charges of *himself* and *others* at *Musters*. Also he having *two* Sons *Captains* in the Countrey, he *orders* that every *Souldier* pay their Captain 6 *d.* a day every time they *muster*; and though these Causes were *complained* of the *last* Parliament, yet he doth *not* desist.

The Warrant was read.

His Warrant.

For that *I. S.* refuseth to pay certain sums of Money for military Affairs; These are by *vertue* of our Deputy-*Lieutenancy* to *require*

quire you, to *bring* the Body of *I. S.* &c. before me, or ſome other Deputy-*Lieutenant*.

I ſend you herewithal the Body of *I. S.* for that he denieth to pay military Charges; and alſo denieth to enter Bond to appear at the next *Aſſizes* for his ſaid *refuſal*. And Commitment.

It was *Ordered*, that he be ſent for by the *Serjeant*, and *brought* to the *Houſe*. Sent for by the Serjeant.

Saturday the 10th. of *May*, Sir *William Welby* was called in to *anſwer*. There was a *Queſtion*, whether he ſhould *come* in a *Delinquent*, and kneel, or no; and it was *Ordered*, that he *ſhould* not *kneel*, only be asked by the *Speaker*, about the Warrants exhibited touching the *levying* of *Money* for military Affairs: He ſaid, he could not *deny* them, but ſaid, he never *impriſoned* any but thoſe *two*, *Palmer* and *Sparks*; and he ſaid, that upon the meeting of *Muſters*, he uſed to have his His Anſwer at the Bar.

his *Charges* born by the *County*, and ſo it was ever uſed in that Countrey for 40 years; and as for 6 *d.* a piece, that is paid by every Souldier of the trained Bands, unto the Captains of the Bands who are his *Sons*, he ſaid, that it was ever uſed to be done, but he never *compelled* any. And as to the rate of 1 *d.* an Acre, he ſaid, it was by vertue of an Order made at the Seſſions in the Countrey, and that he knew there was a *Complaint* of it the *laſt Parliament*.

After he went forth he was called in again, and told, that the *Houſe* was not ſatisfied with his Anſwer, and that it was the *pleaſure* of the *Houſe*, that he ſhould *attend* the *Committee* from *day* to *day*, and this *Houſe* alſo, whenſoever he ſhould be *required*.

To attend the Committee and Houſe.

Journ. Dom. Com. 3 *Car.* Wedneſday, 21 May.

XVII. A *Complaint* was *made* againſt the *Mayor* of *Chicheſter*, by one Mr. *Higgons*, who *complained*,

plained, that a *Lieutenant* with four *Souldiers* came to his Houſe, and *ſurprized* him in his *Study*, and he ſent for the *Mayor* to ſee the Kings Peace kept; and the *Mayor contrary to his duty*, ſent *no* aid; and at a *Seſſions* to enquire of a *Ryot*, the Bench and the Hall was full of *Captains and Souldiers*, ſo as he withdrew *himſelf*; and they *Indicted* him for *Aſſaulting* a *Souldier*, and it was *found*.

The Caſe of the Mayor of *Chicheſter*.

Cox alſo complained againſt the *Mayor* there, who ſent a *Serjeant* to them, to *demand Twenty Shillings* by way of *Loan*; which being refuſed, *ſix Souldiers* were ſent to his Houſe; *ſo he was forced to lend the Money*.

It was proved, the *Money* was *Paid* and *Enforced*; But it did not *clearly* appear, that the *Mayor* enforced it, but there were *Preſumptions*, the *Captains* and *ſix Souldiers* came from

from the *Mayors* House; So there being no proof againſt the *Mayor*, the *Committee Ordered*, that the *Mayor* be *diſmiſſed*, till the *Pleaſure* of the Houſe be *further* known.

A

f.

A Collection *of ſome* few Records *and* Preſidents, *out of* many *others of the* like *nature*; *Whereby it* appears, *that the* Kings *of* England *were pleaſed to* Conſult *and* Adviſe *with their* Parliaments, de Arduis negotiis Regni, *of the* weighty *and* difficult *buſineſs of the* Kingdom.

1. ANno 16. *Johannis*, Before the granting and confirming of *Magna Charta* in his time, the Prelates, Earls, Barons, *great Men* and the *Citizens* and *Burgeſſes* were at a *Parliament* at *London*, to give *conſilium & auxilium*, *Counſel* and *Aid*, for the *Honour* of the *King*, (being then perſonally in *France*, in War with the *French* King,) their *own*, and the ſafety of the *whole* Kingdom.

Vide the ancient Rights of the Commons of *England* aſſerted, &c. p. 13.

Inter Communia 17 E. 3. penes Rememeratorem Domini Regis in Scaccario Recorda War. de priore de *Coventry* attach. pro tranſgreſſione.

2. *Anno* 29. *H.* 3. The King *ſummoned* a *Parliament* touching the *Marriage* of his *Daughter*, where the *Magnates & Communitates Regni*, the great Men and

Commons of the Realm, *ſponta-nea & mera voluntate*, granted a *Subſidy* to the King.

Ibid. 3. *Anno* 32 *H.* 3. The *great* Men and *Commons* of their *free* and *meer* Will gave a *Subſidie* in *Parliament* to *Marry* the Kings *Eldeſt* Siſter to *Frederick* the Emperour.

Rot. Pat. 37 *H.* 3. m. 12 dorſo. 4. *Anno* 37. at a *Parliament* then held at *London*, concerning the great *Affairs* of the *Kingdom*, and *Foreign* parts, *Magna Charta* was confirmed, *Rex Magnates & Communitas populi* being preſent; and by their *conſent* the *Grand* Excommunication againſt the *Infringers* of *Magna Charta* was denounced.

Raſt. Stat. fo. 15.

Rot. Pat. 42. *H.* 3. m. 4. 5. *Anno* 42 *H.* 3. In the *Parliament* at *Oxford* ſeveral *Ordinances* were made for *Redreſs* of Grievances, *A la requeſt de noz haus homes è prodes homes è de Commune de notre Reaume*, at the *requeſt* of the *high* Men, the *good* and *honeſt* Men, and of the *Commons* of the Realm. 6. *Anno*

6. *Anno* 48 *H.* 3. The *Articles* of *Peace* between the *King*, *Prince* and *Prelates*, *Peers* and all the *Commons* of *England* were generally and unanimously approved of, at a Parliament at *London*, *De conſenſu voluntate & præcepto Domini, Regis, necnon Prælatorum, Baronum ac etiam Communitatis tunc ibidem præſentium.* By the unanimous conſent, will and command of the King, of the Prelates, Barons, and alſo of the Commons, being there preſent. Rot. Pat. 48. *H.* 3. m. 6. dor. Forma Pacis inter Regem & Barones.

7. 49 *H.* 3. The King *complains* that the Earl of *Glouceſter* and others had circumvented Prince *Edward*. *Et ad partem ſuam, proh dolor proditoriæ attraxerunt proprii contemptu Sacramenti.* Againſt the form of the Kings and Princes Oath, of the Prelates, great Men, *& Communitatis Regni unanimi aſſenſu & voluntate nuper* London, *proviſ.* Rot. Pat. 49. *H.* 3. m 13. intus n. 54.

8. *Anno eodem*, The Knights, Citizens and Burgeſſes were *ſummoned* Rot. Clauſ. 49. *H.* 3 m. 11. dor. in Schedula.

moned to *Parliament* in the Utanes of St. *Hillary*, *nobiſcum & cum Prælatis & Magnatibus noſtris tractaturi & Conſilium ſuum impenſuri*, *To treat and give their Counſel with the* K. Prelates, *and* great Men, touching the *ſettling* of the diſturbed condition and *ſtate* of the *Kingdom*.

Rot. Pat. 51 *H* 3. m. 16. pro pace inter Regem & Com. *Glouceſter*

9. *Anno* 51. *H.* 3. The King, *per le Conſeil & laſſentement le* * *Rei de Alemaine, & de Countes, & de Barons & del Commun de laterre*, By the *counſel* and *aſſent* of the *King* of *Almain*, and of the *Earls*, and *Barons*, and of the *Commons* of the Land, *pardoned* and *releaſed* the *Earl* of *Glouceſter*, and all his *Company*, &c.

* *Richard* Earl of *Cornwal.*

Ibid.

10. And the King in the ſame Parliament, *per le Conſeil & laſſentement le Rei de Alemaine & les Countes, & de Barons, & le Commons de laterre*, By the *counſel* and *aſſent* of the *King* of *Almain*, and of the *Earls*, *Barons* and the *Commons* of the Land, *pardoned* and

and *releaſed* the *Londoners*, &c.

11. *Anno* 54 *H.* 3. The *King* and *Prince* having undertaken the *Cruſado* for the *Holy-land*. *Quia tamen Prælatis Magnatibus & Communitati Regni non videtur expediens nec ratum*, that they ſhould be both out of the Kingdom *iſtis Temporibus*. It was agreed the *Prince* ſhould go, and a *Subſidie* was granted to the *Prince* by the *Parliament*. Rot. Pat. 54. *H.* 3.

12. *Anno* 11 *E.* 1. *Lewellin* Prince of *Wales* being in *Rebellion*, the King undertakes the *War* againſt him, *de Conſilio Prælatorum procerum & magnatum necnon totius Communitatis ejuſdem Regni*, by the Counſel of the Prelates, Peers, great Men, alſo of the whole Commons of the Kingdom. Rot. Wal. 11 E. 1. m. 4. n. 2. dorſo,

Rot. Clauſ. 28 *H.* 3. m. 8 dor. Rex, *&c.* Sciatis quod de *Communi Conſilio* Regni noſtri proviſum eſt quod erimus apud *Novum Caſtrum* ſuper *Tinam* cum equis & armis die Sancti *Petri Advincula* pro quibuſdam tranſgreſſionibus quas Rex *Scotiæ* Nobis fecit emendas ſuper eum conquerendas niſi *&c.*

Rot. Clauſ. 28. *E.* 1. m. 3. dor.

13. *Anno* 28. *E.* 1. The *King* in *his* Writ of *Summons* to *Parliament*, directed to the *Sheriff* of *Cumberland*, ſaith, *volentes cum* Prelatis, Commitibus, Baronibus *&* Magnatibus *ſupradictis & cum aliis de Communitate dicti Regni ſuper hoc & quibuſdam aliis arduis negotiis nos & ſtatum Regni tangentibus habere colloquium & tractatum*, &c.

Rot. Clauſ. 24 *E.* 1. m. 4. d. *de Parliamento tenendo*, The *French* King having invaded *Vaſcony* by Fraud and Wickedneſs The K. in his Summons to Parliament, ſaith, *Quod omnes tangit ab omnibus approbetur ſic & inuit evidenter ut communibus periculis per remedia proviſa communiter obvietur*, for *præviſa jacula minus ledant.*

Plita Parliamentaria p. 318, 320.

14. *Anno* 35. *E.* 1. At the great *Parliament* held at *Carliſle*, the *Record* ſaith, that *Knights*, *Citizens* and *Burgeſſes* were *ſummoned* to the *Parliament*, *Ad tractand.* &c. *Super* ordinatione *&* Stabilitate *terræ* Scotiæ, *necnon aliis negotiis dictum Regem & ſtatum Regni ſui ſpetialiter tangen.* being the ſame Words which were for the great Lords in their Summons.

15. *Anno*

15. *Anno* 9 *E.* 2. At the *Parliament* at *Lincoln*, the King in *plein* Parlement cauſed to be declared the *cauſes* of the *Summons* thereof, *Pro diverſis & arduis negotiis ipſum & ſtatum Regni*, and eſpecially *pro ſtatu terræ ſuæ* Scotiæ *perimimicos ſuos pro parte occupata ſupplicans & injungens Prælatis proceribus & cæteris fidelibus ſubditis ſuis ibidem exiſtentibus ut ſibi in præmiſſis* conſulerint *& ſibi facerent* auxilium *oportunium*, which they did. Inter memoranda Parliamenta, 9 E. 2. m. 18.

An. 16 *E.* 2. A *Marriage* being propounded between Prince *E.* after *E.* 3. and the *Daughter* of *Charles* of *Valois*. The King (not when he was under the *power* and *fear* of the *Barons*, but after he had vanquiſhed them, and had *beheaded Thomas* Earl *of Lancaſter* his Unkle, and was attended and guarded by his two great *Minions* the *Spencers*,) *declares* in his Letter to *Charles*, thus Recorded.

Rot. Clauſ. 16. E. 2. m. 7. dor.

De Matrimonio inter *Edwardum* primogenitum Regis & filiam *Caroli* Comitis de *Valois* contrahendo.

AUdivimus & ſuper eiſdem deliberationem hujuſmodi cum aliquibus de noſtro Conſilio *& tractatum. Verum quia tam* nobis *quam* illis *viſum eſt* non *eſſe* expediens *neq;* decens *quod contractus hujuſmodi abſq;* Prælatori *&* Magnatum *Regni noſtrim* Conſilio *&* aſſenſu *in* Parliamento *requirend. &* firmaretur, *& veſtræ ſinceritati duximus intimand. quod cito poſt feſtum Sancti* Mich. *prox. ventur.* Parliamentum *noſtrum proponimus convocare & tunc de* Commum Conſilio *ſuper dicto negotio ordinare curabimus quod vobis placitum nobiſq; &* Regno noſtro *utile fore videbimus & decorum dat. apud* Thorp. *juxta Ebor. 6. die* Junii.

And

And King *Edward* further writes to *Charles* King of *France* and *Navar* about that *Marriage*. *Set ſuper eodem in prox.* Parliamento *noſtro quod ſtatim poſt feſtum Sancti* Mich. *prox. futuri tenere proponimus deliberationem & tractatum pleniorem habere intendimus & tunc inde taliter ordinare quod inde debebetis merito contentari Dat*, &c. Rot. Clauſ. 16. E. 2. m. 7. cor.

16. *Anno* 13. E. 2. *licet nuper de Conſilio & aſſenſu Prælatorum & procerum &* Communitatis *Regni noſtri noſtrum aſſumentes paſſagium ultra mare*, &c. Rot. Par. 13. E. 3. pars. 1. m. 11.

17. *Anno* 14 *E.* 3. It was propoſed to the *Grauntz & autres des Communes* in *Parliament*, to *treat* and *ordain* touching the *War* then with *France*, the keeping of the *Peace* of the Land, and the *marches* of *Scotland*, and of the *Sea*. Rot. Parl. 14. E. 3. pars 1. n. 2.

18. *Anno* 17 *E.* 3. It was propounded in *plein Parlement* that the *War* was attempted and begun by the *common conſent des* Rot. Parl. 17. E. 3. n. 8,

Pre-

Prelatz, Grantz & Communes, and that the *King* would not treat of *Peace* without their *aſſent*, and thereupon it was *commanded* to the *Prelates* and *Grantz* to aſſemble themſelves in the Chamber *Blanch* to *treat*, *conclude* and *aſſent* amongſt *themſelves*, whether the *King* ſhould ſend *Ambaſſies* to *Rome*, to ſhew and propoſe his *Title* to *France* before the *Pope*; and in the ſame manner it was *charged* the *Knights* of the *Shire*; and the *Commons* to aſſemble in the Chamber *depeint*, to *treat*, *conclude* and *aſſent* amongſt *them* upon the ſame buſineſs, and to *give* their *Anſwer*, *& lour aſent en dit Parlement*.

Nota.

Rot. Parl. 18. E 3. n. 5. vide Raſt. Stat. fo. 86.

20. In the *Parliament* 18. *E.* 3. The King by his *Chancellor* prayed and charged the *Prelates*, *Earls*, *Barons* and *Commons*, that they would conſider touching the *Articles of Truce* between the King and *France*, and that they would *mettre leid & le Conſeil* give

give their *Aid* and *Counſel* for the *Salvation* of the *Rights* and *Honour* of the *King*, *& de eux meiſmes*, and of *themſelves*.

21. Sir *Bartholomew Burghurſt* the Kings *Chamberlain* declared in *Parliament*, That there was a *Treaty* of *Peace* between the *King* and the *French*, and good hope of a final *Accord*, but the King would not conclude *ſanz aſſent des Grantz & ſes Communs*; Whereupon the Chamberlain required and demanded, on the behalf of the King, *whether* they would *aſſenter & accorder* to the intended Peace. Rot. Parl. 28. E. 3. n. 58.

To which the *Commons d'unaſſent & d'unaccord.* Anſwered, that what *Iſſue* the *King* and *Grantz* ſhould take in the ſaid *Treaty*, ſhould be agreeable to them: Upon which *Anſwer* the *Chamberlain* ſaid to the *Commons*, Then you will aſſent to the *Treaty* of *Peace* perpetual, if it may be had; to which the Commons Anſwered,

red, *Entierment & unement. oil oil*, yes, yes; And thereupon it was *commanded*, that Maſter *Michel* de *Northburgh*, Gardeyne of the Privy-Seal, and Sire *John* de *Swinley Notair Papal*, ſhould make an *Inſtrument* publick thereof.

Rot. Parl. 43. E. 3. n. 1.

22. *Anno* 43 *E.* 3. The *Chancellor*, in his *Oration* before the *King*, *Lords* and *Commons*, thus expreſſeth himſelf: *Sires*, the *King* in all his *great* buſineſs which concerned *himſelf* and his *Kingdom*, *de tout temps*, hath acted and done, *by the* counſel and advice of his *Grandz* and *Commons* of his *Realm*, which he hath found in all his Affairs, *Bons & Loyalz*, good and faithful, for which he thanketh them, *de grant euer & volunte*, and that it was not *unknown* to them that the *King* had taken upon him the *Claim* and *Right* to the *Realm* of *France*, *per lavis & conſeil de ſes Grantz & Communes*, by the *advice* and *counſel of his* great Men and *Commons*

23. 7 *R.* 2. The *King* called a *Parliament*, to consider of a *Peace* between *him* his Kingdom, Lands, Dominions, and Subjects, *ex una parte, & magnificum principem Robert* of *Scotland*, and his Lands, Dominions, and Subjects, of the *other part*; *mediante* consilio *&* assensu *Prælatorum procerum magnatum &* Communitatis *Regni* Angliæ, by the *counsel* and *assent* of the *Prelates*, *Peers*, and *great Men* and *Commons* of the Kingdom of *England*. Rot. Claus. R. 2. n. 37. 7.

I will pass over the rest of the several Authorities in this King's Reign, and so of *H.* 4. except this one.

24. In the Parliament 9. *H.* 4. in that great *Record* called *Indempnitie des Seigneurs & Communes*, the King, by the advice and assent of the Lords, willed, *granted* and *declared* that in that and all *future* Parliaments it should be *lawful* for the *Lords* to *debate* and *commune* amongst *themselves*, Ex Rot Parl. tenti apud *Glouc.* 20 die *Octobris* Anno Regni Regis H. 4. Post Conquestum 9. m. 8. n. 21. Indempnitie des Seigneurs & Communes.

de

de Leſtate du Roiaume & la remedie a ce buſoignable of the *ſtate* of the *Kingdom*, and the neceſſary *Remedies*; and it ſhould be *lawful* likewiſe for the *Commons* on their part to commune in the *ſame* manner.

Rot. Parl. 3. *H.* 5. pars 2.

25. *Anno* 3 *H.* 5. The Chancellor at the Re-aſſembly of the *Parliament*, declares, (the King being preſent) the *cauſes* of their calling; which was, that *Peace* had been *offered* him by his adverſary of *France*; the which, without the *aſſent* and *good* Counſel of the *Eſtates* of his *Realm*, he would not conclude; And that the *King* of the *Romans* deſiring *Peace* and *Unity* in the Church *Univerſal*, and alſo between the *Chriſtian* Realms, was come over hither with *Propoſitions*, which he had not yet declared to the King, but in a ſhort time would ſhew them. Upon the which, the King would take the Advice, *de ſon treſſage Conſeil*, *of his moſt wiſe* Counſel.

26. *An-*

26. *Anno* 4 *H.* 5. The League and Alliance between the King and *Sigiſmund* the Emperour and King of the *Romans* was ratified and confirmed, upon due and ſolemn Treaty thereof, by the common conſent and aſſent of all the Archbiſhops, Biſhops, Dukes, Earls, Barons, & *toute autres Eſtates Eſpiritualz & Temporalz*, and other *Eſtates Spiritual and Temporal*, and alſo of the *Commons* of this *Realm*, in the ſaid Parliament aſſembled.

Rot. Parl. 4. *H.* 5. n. 14.

La confirmation des Alliances perentre le Roy & le Roy des Romains *preſez & accordez.*

27. *Anno* 9 *H.* 5. A *Peace* being concluded between *Henry* King of *England*, and *Charles* the *French* King, it was mutually agreed, that the Articles thereof be *ratified* and *confirmed per tres Status, of both Kingdoms*; which being *approved, concluded accepted* and *allowed of*, by the three Eſtates in *France*, *videlicet*, *Prælator. & cleri necnon* Procerum *& Nobilium*, *ac etiam civium Burgenſium civitatuum villarum & Com-*

Rot. Parl. 9. *H.* 5. pars 1. n. 14.

Approbatio pacis inter Regem Angliæ *&* Franciæ *nuper concluſæ.*

Communitatum dicti Regni. The Articles was after *mature deliberation* confirmed *per tres Status Regni*, Angliæ *vid. per Prælatos & clerum nobiles & magnates necnon Communitates Regni ad Parliamentum apud* West. *qui quantum ad eos & ſingulos eum pertinet obſequituros & impleturos promiſerunt.*

Rot. Parl. 9. H. 5. n. 18. *De poteſtate tractand. de pace cum Dolphino*, &c.

28. *Anno* 9 *H.* 6. It was ordained by the Lords *Spiritual* and *Temporal* and Commons That the *Dukes* of *Bedford* and *Glouceſter* and my *Lord Cardinal*, and others of the *Kings* Bloud and of his Counſel, may treat of *Peace* with the *Dauphin* of *France*, notwithſtanding the Act formerly made to the contrary; which was, That the King of *England H.* 5. or the *French* King ſhould not enter or make any *Treaty* of *Peace*, or of *Accord* with *Charles* the *Dauphin*, without the *aſſent* of the three *Eſtates* of both *Realms*.

Rot. Parl. 23 H. 6. n. 24.

29 *Anno* 23. *H.* 6. Whereas by the *Articles* of *Peace* made *between*

tween H. 5. and *Charles* the *6th* of *France*, *it was agreed* there ſhould be no *Treaty* or Accord made with the *Dauphin* of *France*, without the *aſſent* of the three *Eſtates* of both *Realms*, which Articles were afterwards Enacted and Authorized here by Parliament; It was Enacted by the *aſſent* of the *Lords* and *Commons*, that that Article ſhould be *void*, *eryt*, *caſſed adnulled* and of none *Force*, and none to be *impeacht* for *adviſing* and *acting* in the ſaid *Peace*.

30. The *Archbiſhop* of *Canterbury*, Chancellor of *England*, declared the cauſes of the Summons of the Parliament (the King preſent) and amongſt others, that between the *Ambaſſadors* of King *H.* and the *French* King; There was an *appointment de perſonali conventione* of a perſonal meeting between the two Kings in *partibus tranſmarinis*, which if it ſhould happen *ut ſperatur* to provide not only for the *ſafe* and *ſecure* preſer-

Rot. Parl. 25 *H.* 6. n. 1.

vation of the perſon of the King, as well in his Conduct, *ad dictas partes tranſmarinas*, as in his being there, but alſo for the ſafe and ſure conſervation of the Peace within the Kingdom, and other his Dominions (during his abſence) out of the Realm, and for ordaining a *proviſion* thereof.

Tractatum & maturam deliberationem cum ſano & ſalubri Conſilio trium Statuum dicti Regni *neceſſario exigit & requirit*; and after concludes his Speech: *Qualiter præfatus Rex ad* tractandum & conſulendum *cum præfatis proceribus & magnatibus ſupradictis &* Communibus *Regni ſui hujuſmodi proviſione faciend. & habend.* Parliamentum *ſuum predictum fecerat convocari*: *Therefore* the *King* had called his *Parliament*, to *treat*, *conſult* and adviſe with the *Peers*, and *great Men* and *Commons* of the *Kingdom*, how ſuch proviſion may be done and had.

31. *Anno* 11. *H.* 7. The *Articles* of *Truce* and Peace between *Charles* the *French* King, and King *Henry*, was *agreed* to be *ratified, accepted, approv'd* and *confirmed*, *per tres Status utriusque Regnorum videlicet per Prælatos, & Clerum nobiles & Communitatem eorumdem Regnorum authoritate Parliamentorum*; Which was after done.

Rot. Parl. 11. H. 7. n40. An Act concerning the Peace between the King of *England* and the King of *France*

32. Anno 3 *H.* 8. *Dominus* Cancellarius *ex mandato Regis ostendebat Dominis hic præsentibus causas Secretiores hujus* Parliamenti *summonitionis* primam *concernentem Regem* Scotiæ *& multimodas injurias subditis Regni* Angliæ *illatas. Secundam, Et bellum inter Regem* Castelli *& Ducem* Gildriæ *ejus affinitatem & terram concernentem Dominum summum* Pontificem, *Tertiam, Et dissensionem inter ipsum & Ludovicum Francorum Regem lectumque fuit per Magistrum Rotulorum breve Apostolicum in vulgari translati-*

Jur. Dom. Proc Anno 3. H. 8. 15 die Parliamenti.

one continens contumelias dampna & injurias Sanctæ ſedi Apoſtolicæ & Romano *Pontifici per Ludovicum Gallorum Regem illatas.*

Item dictus Dominus Cancellarius, *cum Domino* Theſaurario, *& aliis Dominis in Domum Communem deſcendebat cum premiſſis oſtenſur. &c.*

Lord *Herbert's* Hiſt. of H. 8. fo. 303

33. *Anno* 21. *H.* 8. The *Lords* and *Commons* ſent a Letter to the *Pope*, touching the *dilatory* Proceedings, in the *Divorce* between the King and Queen *Katherine* before him; in which Letter they *declare*, *Cauſa Regiæ Majeſtatis noſtra cujuſque propria eſt, a* Capite *in* Membra *derivata, dolor ad omnes, atque injuria ex æquo pertinet, omnes in ejus Majeſtate compatimur*, in relation to the Safety and Succeſſion of the *Crown*; and that if his *Holineſs* would not *determine* the *cauſe*, or defer it any longer, they plainly tell him that,

No-

Noſtri *nobis* curam *relictam*, & aliunde *nobis remedia* conquiramus. *Nota.*

And they were as good as their words; For in the *Parliament*, 25 *H.* 8. an Act paſſed for declaring the eſtabliſhment of the Succeſſion of the Kings moſt Royal Majeſty in the Imperial Crown of this Realm, wherein the *Marriage* between the *King* and the Lady *Katherine*, was by authority of *Parliament* definitively, clearly and abſolutely, declared, deemed and adjudged to be *againſt* the *Laws* of Almighty God, and alſo to be accepted, reputed and taken of *no* value nor *effect*, but utterly void and *annihilated*; and that the ſaid *Katherine* ſhould be from thenceforth called and reputed, *only Dowager* to Prince *Arthur*, *and not Queen of the* Realm. Raſt. Stat. 25 *H.* 8. cap. 13. *Nota.* *Nota.*

The *Letter* was *Subſcribed* and

Sealed by 2 Archebiſhops, 2 Dukes, 3 Marqueſſes, 13 Earls, 4 Biſhops, 25 Barons, 22 *Abbots.*

And Milites & Doctores *in* Parliamento, the *Knights* and *Doctors* in *Parliament*, of the Houſe of *Commons*, *William Fitzwilliam* being *Speaker*, was the firſt that ſigned; And notwithſtanding the *Objection* from the *date* thereof, in time of *Prorogation*, it is very probable that it was agreed in *Parliament*, and my *Reaſons* are two, beſides what appears by the Letter it ſelf.

1. The *Anſwer* of the Pope to the Letter; is directed thus.

L. *Herbert*, fo. 307.

Venerabilibus fratribus Archiepiſcopis & Epiſcopis, ac dilectis filiis Abbatibus Nobilibuſque viris Ducibus, Marchionibus, Comitibus, Baronibus, Militibus, *ac* Doctoribus Parliamenti *Regni* Angliæ.

2. *Re-*

2. *Records* and *Histories* tell us that *Parliaments* have several times sent Letters to the Pope: For Instances.

Vide the antient Rights of the Comm. of *England* asserted, p. 111.

Anno 29 *H.* 3. 29 *E.* 1. 17 *E.* 3. Where the last, though agreed to in *full* Parliament, yet was after Sealed, *Souz les Seales, des Grantz, & totes les Cominaltes, des Citees & Burghes d'*Angleterre So that as yet under submission I am of my Lord *Herbert*'s opinion, *That the Letter or Declaration was by the* Parliament.

Rot ParI. 17. *E.* 3. n. 59, 60. Rot. Parl. 21. *Es* 3. n. 1 63.

34. Anno 28 *Eliz.* Item conventum concordatum & conclusum estquod Rex *Scotiæ*, quamprimum vicesimum quintum suæ ætatis, annum impleverit quam primum commode id facere poterit per publicum Regni sui conventum dictum fœdus approbabit & confirmabit approbari & confirmari faciet & item Reginalis suæ Majestatis per proceres & alios Regni sui *Angliæ* & *Hiberniæ*, Status in Parliamento idem

Inter Capita fœderis arctioris amicitiæ inter potentissimos principes *Elizabetham Angl.æ* Reginam, & *Jacobum* ejus nominis sextum *Scotorum* Regem, *5 Julii* 1586. Ex Mſ. penes meipsum.

faciat & præſtabit] vel fieri & præſtari procurabit. I have ſeen ſeveral Records of Leagues ratified by the *Scotiſh* Parliament.

Ex Cronico ab anno 1272. 1 *E.* 1. ad annum 1317. 10. *E.* 2. Mſ. mihi oſtenſ. per *Tho. Turner* Armig. nuper defunct.

35 POſtquam *Rex* per ſpatium *trium* Annorum & amplius in *partibus* tranſmarinis *remanſiſſet* & de partibus *Vaſconiæ*, & *Franciæ* in *Angliam* rediiſſet valde *anxiatus* & *conturbatus* fuit per *quotidianum* clamorem tam *Clericorum* quam *Laicorum* petentium ab *eo* congruum remedium apponi verſus juſticiarios & alios *Miniſtros* ſuos de *multimodis* oppreſſionibus & gravaminibus *contra* bonas leges & conſuetudines Regni illis *factis* ſuper quo *Dominus Edwardus Rex* per *Regale* ſcriptum Vicecomitibus *Angliæ* precipit, quod in omnibus comitatibus ciuitatibus & villis *Mercatoriis* publice Proclamari facerent quod omnes qui ſeſe ſentirent gravari *venirent* apud *Weſtmona-*

Anno Domini, 2289. Aunoq; Regni Regis *E.* 1. 18. Certe ſcimus quam plurimos eorum qui Judiciis ſub E. 1. præfuere viros quidem maximos & ævo in illo Juriſconſultos celeberimos

repetundarum & quod lites ſuas fecerant alioſq; preter Miniſtros forenſes aliquot merito damnatos multis exitio ac carcere punitos eſſe *Seldeni* ad Fletam diſſertatio p. 548.

ſteri-

ſterium ad *proximum Parliamentum* & ibi querimonias ſuas monſtrarent ubi tam *Majores* quam *Minores* oportunum remedium & celerem Juſtitiam recuperent ſicut *Rex vinculo* Juramenti die Coronationis ſuæ aſtrictus fuit *ac* jam-jam adeſt *magnus* dies & *Judiciarius* Juſticiorum & aliorum Miniſtrorum *Conſilii* Regis quem nulla tergiverſatione nullo munere nulla arte vel *ingenio placitandi* valent eludi *Coadunatis* itaque Clero & Populo & in magno Palatio *Weſtmonaſterii* conſeſſis *Archiepiſcopis Cantuar.* (vir magnæ pietatis & *Columna* quaſi *Sanctæ* Eccleſiæ & Regni) ſurrexit in medio & ab alto ducens ſuſpiria. *Noverit Univerſitatis veſtra* (ait) quod convocati ſumus *de magnis et arduis negotiis* Regni (heu nimis perturbati & hiis diebus enormiter mutilati) unanimiter fideliter & efficaciter ſimul cum Domino Rege ad *tractandum* & *ordinandum* audiviſtis etiam univerſi querimonias

monias graviſſimas ſuper intolle-
rabilibus injuriis & oppreſſioni-
bus & quotidianis deſolationibus
tam *Sanctæ* Eccleſiæ quam Regni
factis per hoc Iniquum Concili-
um Domini Regis contra *Magnas*
Chartas tot toties & multoties
emptas & redemptas conceſſas &
confirmatas per *tot* & talia *jura-*
menta Domini *Regis* nunc & Do-
minorum *Henrici* & *Johannis* ac
per terribiles fulminationes *Ex-*
communicationis ſententiæ in tranſ-
greſſores Comunium libertatum
Angliæ quæ in Chartis predictis
continentur corroboratas & cum
ſpes preconcepta de libertatibus
illis obſervandis fideliter ab omni-
bus putaretur ſtabilis & indubita-
ta *Rex* Conſiliis *malorum* mini-
ſtrorum preventus & ſeductus eaſ-
dem infringendo contravenire
non formidavit credens decepi-
tive pro munere abſolvi à tranſ-
greſſione quod eſſet manifeſtum
Regni exterminium *Aliud* etiam
nos omnes angit intrinſecùs quod

Vide Fleta cap. 17. p. 18, 19. Authoritas & Officium Ordinarii Concilii Regis.

Ju-

Justiciarii subtiliter ex malicia sua ac per diversa argumenta avaritiæ & intollerabilis superbiæ *Regem contra fideles suos* multipliciter *provocaverunt & incitaverunt*, sanoque & salubri Consilio ligeorum *Angliæ* contrarium reddiderunt *Consilia sua vana impudenter præponere & affirmare non eruberunt seu formidaverunt ac si plus habiles essent ad consulendam & conservandam Rempublicam quam tota universitas Regni in unum collecta*, Ita de *illis* possit vere dici, *viri* qui turbaverunt terram & concusserunt *Regnum* sub *fuco* gravitatis totum populum graviter oppresserunt *Pretextuq;* solummodo exponendi veteres leges novas (non dicam leges) sed malas consuetudines introduxerunt & vomuerunt; *Ita* quod per *ignorantiam* nonnullorum ac per *partialitatem* aliorum qui vel per *munera* vel per *timorem* aliquorum Potentum innodati fuerunt *nulla fuit stabilitas legum* nec

alicui

alicui de populo *Justiciam* dignabantur exhibere *Opera* eorum sunt opera nequitiæ & opus iniquitatis in manibus pedes eorum ad malum currunt & festinant, ac viam recti nescierunt quid dicam? Non est judicium in gressibus suis.

Quam plurimi liberi homines terræ nostræ fideles Domini Regis quasi viles ultimæ servi conditionis diversis Carceribus sine culpa commiserunt ibidem carcerandi quorum nonnulli in carcere fame mærore & vinculorum pondere defecerunt, extorquerunt pro Arbitrio insuper infinitam pecuniam ab eisdem pro redemptione sua crumenas aliorum ut suas impregnarent tam à divitibus quam pauperibus exhausserunt ratione quorum incurriverunt odium inexorabile & formidabiles imprecationes omnium quasi tale incomunicabile privelegium per cartam detestabilem de non obstante obtinuerunt & per quisiverunt ut a-

leg

lege *Divina* Humanaque (quasi ad libitum) *immunes* essent.

Gravamen insuper solitum adhuc sive aliquo modo sævit omnia sunt venalia si non quasi furtiva proh dolor.

Quid non mortalia pectora cogit auri sacra fames. Ex ore meo contra vos (o impii) tremibunda Cæli decreta iam auditis.

Agnitio vultus vestrorum accusat vos & peccatum vestrum quasi *Sodoma* prædica vistis nec abscondistis væ animæ vestræ væ qui condunt leges & scribentes injustitiam scripserunt ut opprimerent in judicio pauperes & vim facerent causæ humilium populi ut essent viduæ præda eorum & pupillos diriperent væ qui ædificant domum suam injustitia & cænacula sua non in judicio, væ qui concupiverunt agros & violenter tulerunt & rapuerunt domos & oppresserunt virum & domum ejus imò virum & Hæreditatem suam væ Judices qui sicut Lupi vespere

non

non relinquebant ossa in mane Justus Judex adducit Consiliarios in stultum finem & Judices in stuporem.

Mox ala voce justum judicium terræ recipietis.

Vide Mat. *West.* An. 1289. p. 376. l. 13.

His auditis omnium aures tinniebant totaque *Communitas* ingemuerunt dicentes heu nobis heu *ubi est* Angliæ *toties empta toties concessa toties scripta toties jurata* Libertas.

Anno vero 1290. (18 E. I) deprehensis omnibus *Angliæ* Justiciariis de repetundis (preter *Jo. de Metingham* & *Eliam de Beckingham* quos honoris ergo nominatos volui) judicio *Parliamenti* vindicatum est in alios atq; alios carcere; exilio & fortunarum omnium dispendio; in singulos mulcta gravissima & amissione officii, *Spelm.* Gloss. part 1. fo. 416.

Alii de Criminalibus sese à vinculis populi subtrahentes in locis secretis cum amicis tacites latitaverunt alios protulerunt in medium unde merito fore omnes ab officiis suis depositi & amoti unus a terra exulatus alii perpetuis prisonis incarcerati aliique gravibus pecuniarum solutionibus juste adjudicati fuerunt.

Le

LE Roi a touz ceux q̄ ceſtes lettres verrount ou errount, ſaluz. Sachez q̄ come en les choſes parlees, trettes, & accordees & affermees entre nous & noſtre treſch foial & Coſyn Sire Edward per la grace de Dieu Roi Deſcoce, tuſchauntes nous & Leſtate de noſtre Roialme Dengleterre, & le dit Roi Deſcoce, ſon Eſtat, & Leſtat de ſon Roialme Deſcoce. Le dit Roi Deſcoce, par aſſent des Prelates, Countes, Baroms, Chivalers, & autres de ſon dit Roialme Deſcoce, eit reconuz & grauntez q̄ le dit Roialme Deſcoce, & les iſles appurtenances a p cele ſount devient & tut temps paſſe ſoleient eſtre tenus des Rois Dengleterre, p homage lige & foialte.

Pro Rege *Angl.* de diverſis conceſſionibus ei per Regem *Scotiæ* factis, Anno 8 *E.* 3. m. 29. Rot. *Scotiæ.*

The Parliament of *Scotland.*

Et aurint eit reconuz & grauntez dentrer en noſtre homage a lige & foyolte come Souverain Seigneur des dits Roialme Deſcoce & Iſles. Et aurint eit obligez lui, ſes Heirs & Succeſſors, de faire a nous & a noz heirs hoze de noſtre Roialme Dengleterre, & de noz terres de Gales & Dirland, come en Gaſcoigne & aillours, ou nous

nous & a uoz heirs overoms terres ou clameroms dzoit ou autres nous voudzont empescher par forze sur noz terres, ou sur possession ou dzoit & nous clamerons certeins services. Cestassavoir le Roi Descoce p tote sa vie, p le garnissement de sps moys les services de deux centz homes darmes p un an a ses Custages & Dispens, & p ses heirs & successors, p au tiel garnissement les servires de cent homes darmes a lour Custages & Dispens p un an. Et si lui, ses heirs ou ses successours garniz p nous & p noz heirs en la maniere avantdite, de faire les ditz services fauissent de faire & parfaire mesmes les services, le dit Roi Descoce eit obligez lui, ses heirs & ses successors, en deux centz mille livres Desterlinges, a paier a nous & a noz heirs. Et aurint eit grauntez p lui, ses heirs & ses successours, & sils fauissent de faire & parfaire les ditz services ; & le dit Roi Descoce ses heirs & ses successours, feussent requis p nous ou p noz heirs de paier le deux centz mille livres, & apzes lespace de trois moys a

totes

totes les foitz, & apres ceo q̃ le dit Roi Descoce, ses heirs ou ses successors, fuissent illint requis p nous & noz heirs, & ils fausissent de faire le dit paiement, que nous & noz heirs peussons franchement, & sanz countredit du dit Roi Descoce, ses heirs ou ses successours, entrer le dit Roialme Descoce & totes les Citees, Villes, Chasteux, Manoirs, terres & tenements de le dit Roi Descoce, tenir & gouverner per noz gentz, & totes manieres des issues & profits ent surdantz lever, cuiller & tenir a nostre oeps, & al oeps de noz heirs, & tanq; nous soiums paiez des ditz deux centz mille livres pleinement.

Et austre ceo le dit Roi Descoce eit obligez lui, ses heirs & ses successours, de assigner, doner & faire liverer a nous deux mille de terre, eit donc, graunte & assigne a nous le Chastell, la Ville, & la Counte de Berewyk, a la value q̃ serra trove p extent a faire en la maniere avantdite, & ceo q̃ taudra des dites deux mille livres de terre, il serra assigner & liveter a nous en lieux covenables & greables a nous sur la Marche Descoce, & joignauntes a nostre

Roialme Dengleterre, a avoir & tenir les dits Chastell, Ville & Countée, & les autres terres q̄ le dit Roi nous assignera a nous & a noz heirs, come annexes a nostre Roiale dignite, & a nostre Roialme Dengleterre, & suertées del Roiale dignite, & de la Courone Descoce, a touz jours come plus pleinement est contenuz en les lettres patentes de le dit Roi Descoce de ceo faites.

Et auxint le dit Roi Descoce, par ses autres lettres patentes, pur autres certeins causes notées en pceles de mesme lassent, eit graunte & oblige lui & ses heirs, a nous & a noz heirs, de venir en persone od tot son poair, & a ses Custages & Despens, ad nostre cozps & ad les cozps de noz heirs en nostre Roialme Dengleterre, & en noz terres de Gales & Dirlande avantdits, en eid de nous & de noz heirs, countre toutz ceux q̄ voudzont guerrer nous & noz heirs, ou par force noz foits empescher es dits Roialme & terres a totes les foits q̄ le dit Roi Descoce ou ses heirs serrount requis par nous & nos heirs del garnisse-

Nota.

ment de ſys moys, ſicom e en dites lettres plus pleinement eſt contenuz.

Nous voillauntz ouſtier les enchesons dount debatz guerres ou contees pourrount ſourdre en temps avenir entre nous & noz heirs, & le dit Roi Deſcoce & ſes heirs, & purvêr totes les choſes p queles pes & amour ſoient nurriz & meintenuz entre nous, & a noz heirs & noz ſouzmys dune part, & le dit Roi Deſcoce & ſes heirs & ſes ſouzmys dautre part, a touz jours par aſſent des Prelatz, Countes & Barons, & la Communalte de noſtre Roialme, aſſemblez a noſtre Parlement ſomons a Everwyk le Lundy prochein avant la feſte de Saint Pierre en Cathedra, l'an de grace ſelonc le cours del Egliſe de Rome mille trecentz trentiſme quart, & de noſtre regne optiſme, grauntoms, releſſoms & quiteclamons, pur nous & pur noz heirs, au dit Roi Deſcoce & a ſes heirs, tot le cleym & le droit q̃ nous aviums ou avoms en le demeigne de tut le remenaunt de ditz Roialme Deſcoce & Iſles, outre les terres & choſes a nous

These Agreements Ratifyed by the Parliam. of *Eugland.*

nous grauntés & liverés, & a liverer.

Et voloms & grantoms pur nous & pur noz heirs, qꝫ le dit Roi Descoce eit & tiegne le demeigne de tut le remenaunt des ditz Roialme Descoce & Isles, come susestdit a lui & ses heirs, entierement sanz autre subjection a nous ou a noz heirs, pur mesme le demeigne de tut le remenaunt de Roialme Descoce & des Isles come dessus est dit.

Horꝛis & sauve a nous & a noz heirs, totes les choses grauntees a nous & a noz heirs par le dit Roi Descoce, selonc le purport des lettres patentes le dit Roi Descoce a nous faites. Et en tesmoignante de quele chose a cestes noz lettres patentes avoms fait mettre nostre Grauut Seal. Don a Everwyk en nostre dit Parlement, le prꝛemier jour de Marcz, l'an de grace & de nostre regne susdit.

Rot. Parl. 7. R. 2. n. 2 Pronuociatio Parliamen.

37. A Quel Lendemain qꝫ fuist Mardy, vindrent en Parlement devant les Prelatz, Seigneurs Temporelx, come les Justices & autres du Conseil nostre

noſtre dit Seigneur le Roi, en le Chambre de peinte a Weſtm. en preſence du Roi meſme appellaz la eins les Chivaleers des Countees, les Barons des Cinque Ports, Citizens des Cities, & Burgheys des Burghs p lour noſms, ſicome les Viſcounts lour avoient fait retourner, Mounſ Michael de la Poole Chivaler, Chanceller d'Angleterre, p Commandment noſtre Seigneur le Roi, avoit les parols de la pronunciation des cauſes de la ſummonce de ceſt preſent Parlement.

Et diſt vous Meſſieurs Prelatz & Seigneurs Temporelx, & vous mes Compaignons les Chivaleers, & outres de la Noble Comune d'Angleterre cy preſentz, deviez eutendre q̃ combien q̃ je ne ſoie dignes mes inſufficient de ſcen & de tout autre bien touts voies pleuſt a noſtre Seigneur le Roi, n'adgairs de moy trær en ſon Chanceller, & ſur ceo ore moy ad commandez qu'ore en vos honourables preſences, q̃ vous doie deper ſuy exposer les eauſes de la ſummonce de ſon preſent Parlement, & p tant purra clearment apparoir q̃ ſi haut buſoigne come ceo eſt de

parler si chargeant matire devant touts & tiels si Nobles & Sages persones que vouz estes, ne ferroit mye p̄ p̄zesumption ou surquindzere de moy mesmes einz solement p̄ deux enchesons reasonables.

L'une est, q̄ longement & communement ad estre accustume deins mesme le Roialme, q̄ les Chancellers d'Angleterre devant moy si ount faitz chescun en son temps pronunciation deper le Roy de semblablez Parlements devant dze tenuz, & ne verroie si pleust a Dieu q̄ en mon temps defaute p̄ fuist trobez en ma persone ne arrerisement de le stat de mon dit Office, si avant come je le purroie maintenir en tout bien & honour.

La seconde est, p̄ quoy je assume de p̄zesent si grant charge sur moy devant touts les autres Sages cy p̄zesentz, car le Roy nostre Seigneur Liege icy p̄zesent n'ad commander del fair q̄ nostre saut a fym force en ce, & en touts autres ses Commandements tournir au p̄zoūt de luy & de son Roialme.

Au

Au Terce & illint ne ſerroit reſt chargeant buſoigne en aſcun manier ſi non conſtreint p reſon du mon Office, & commandement de mon Seigneur Liege come dit eſt.

Et Seigneurs & Sires, la principal & premier cauſe p q̃ noſtre dit Seigneur le Roy ad fait ſummondre ſon preſent Parlement, q̃ touche le Roialme Deſcoce, ſi eſt expreſſe & contenuée en les Briefs a vous faitz, de meſme la ſummonce le quel eſt tiel: Noſtre Seigneur le Roy apperceivant coment les graunts trieves jadys prizes perentre les Roiaumes Dengleterre & Deſcoce, ſi donient p la forme dicelles finir & failer a ceſt prochein feſte de la Purification noſtre Dame prochein venant. Et pur tant que home mp ſeuſt deſgarnir en celle partie al dit fyn des trieves pleauſt a noſtre dit Seigneur le Roy, denvoir a la Marche Deſcoce le puiſſant & noble Seigneur ſon treſchier Uncle Depaigne Duc de Lancaſter cy preſent, avec autres Seigneurs & Sages du Conſeil le Roy, pur aſſaier & taſter ſi leu purroit honorablement avoir la paix oveſq̃

les Escotes, ou autrement Prorogation dicelles trieus pur un temps notable. Et si feuront ils en dite Marche Descoce, & ont avoient parlance & tretée avec mesmes les Escotz, & finalement ont repoztez a nostre dit Seigneur le Roy relation & lettres del Adversaire Descoce, contenantes quil enboirer oit suffizantes persones de son Roialme, avec poiar & authoritee suffisant deper luy a Londres, pur p treter de mesme la matire & celle repozt fait a uostre dit Seigneur le Roy, pur ce q̃ boirs est que plusozs, de vouz estes inheritez des plusors Terres & Seigneuries deins le Roialme d'Angleterre, appurtenautz a les Escotz d'auncientée, & auxi aiez eu challenge plusozs terres & tenements deins le Roialme Descoce. dont les Escotz sont aurint de pzesent inheritez. Et si paix se ferroit perentrée les Roialmes avendzont ensi pur ce que plusozs Translations des droitz a ycelles Terres & Seigneuries d'ambez partes, serroieut faitz ou p cas mesmes les dzoitz serroient surrendez de ceo & p celle cause & autres matieres

Nota.

tieres pluſoꝛs incidente que ne veignont oꝛe a memoire, mais pur eſpeciall pur tant que le Roialme Deſcoce, ſi eſt tielment annexe d'auncientee a la Corone d'Angleterre, luy quiel de temps Bruyt pꝛimer inhabiter d'pꝛelles Roialmes, le Roialme Deſcoce avantdit. Et le Roy d'pꝛelle pur le temps eſteant aient eſte continualment ſubjugatz & attendantz au Roy & al Roialme d'Angleterre, on en poſſeſſion, ou en challenge, ſembloit de veritee que home ne poit ſnr tiel haute & chargeante matiere finalment. Treter & accorder aillours que en Parlement, ou ſi Paix ou Trieves ne ſe p pnrroient pꝛendꝛe uncoꝛes la remedy pnr defendꝛe eſtre purvenir eu Parlement, & eins ſi nule autre matiere euſey davoir Parlement ſi eſt ce que ad dit une grant cauſe. *Nota.*

Une autre cauſe p ad p que le Roy noſtre Seigneur ad fait ſummoudꝛe ceſt ſon Parlement, eſt tiel, ſi einſi aveniſt que Paix ou Trieves ne ſe pꝛeignent point en Eſcoce, adonques la pluis perileuſe guerre que nous pourroions

ons avoir si est tantost overt dont est molt grandement a douter p tout fair p temps bone purveance en contre lour grant Orgoill fauxive & force aiant consideration comment ils purront chescun jour entrée nre Roialme a terre Serke, sans impediment de la Méer, ou de Eawe fresh, mes encores non pas soulement de fair purveiance encoutrée les ditz Escotes, eius d'autres partz envers trois de pluis grandes Roialmes & Pais de Christianity, cest a dire France, Espagne. Et ore de novell acrew le Payes de Flandres, avec touz jonrs Adherents & Alliez, qui sont come innnmerables mortelx enemyes a cest Petit Roialme d'Angleterre, qne Dieu salve, touz partz environez p terre & p mere envers quex, si Dieu de sa grace ny mette remedy, & home de sa party ne face ceo que en luy est de purveyance en resistance de lour malice vraisemblable est que le greinder mischeife est hastivement a venir qz Dieu ne veule a cest petit Roialme que unques mes ny aveuist. Et pur ceo que mischeife semble pur

les

les dits cauſes ſi dure & ſi pꝛo-ſchein ſi eſt dꝛoit que home ſe haſt le pluis toſt pur oꝛdeiner de bone & effeauall remedy queſt pꝛinci-palment apꝛes la grace de Dieu d'avoir de quoy home purra ve-nir a les diſpenſes que leu pꝛ font mettre que comenca fyn foꝛce ve-nir de la Comune defens demande Comune charge, voirs eſt & cer-taine que trois des pluis riches Rois Chꝛiſtiens ne purroient en-durer les charges de tantz & tiels guerres ſans l'aide de lour Comune. Et pur tant l'eu faut oꝛdiner coment defendꝛe. Et de quoy l'en avera deſpenſes neceſ-ſares. Et quant a defens fair en cell partie ſalvis meillour advis. Il doit apparoir a cheſcom Sage que noſtre Defen ſi eſt d'aſ-ſailer les Enemyes per de hors noſtre Royalme, car tiel aſſaut le ſemble eſtre reaſonable, pꝛofita-ble & honourable pꝛimerment ſi eſt noſtre aſſaut reaſonable p En-cheſon que Nos ſumes Actours, Demandours, & Challengers ou Appellours. Et reſon voet, q̃ le demandent & challengour aſ-ſaile le defendour. Et non pas

è converso. Secondment, nostre assault est profitable, car si nous attendissmes lour assaut deins nostre Roialme l'assemblée & chivachée de nostre host envers lour host serroit a nostre Roialm, l'un & l'autre est esteant en prel a tant de Damage come serroit lost des Enemies horspris prise de prisoners & arsure des villes & mesons sicome vous Messers & Sires avez meismes venez estre fait des patties, deper dela & mieltz est & plus profitable q̃ nostre ost soit sustenez per les vitailles & Biens des Enempes q̃ de noz Biens propez: Tiercement, il est plus honourable d'assailer q̃ Defender, car communement les Cowards n'assailant mye. Et p eschuer les mischeifes de loz assaut d nn part ala vilinie q̃ nous aurions si nous q̃ sumes Demandours & Challengours come dit est p Defaute del pursuite de nostre droit q̃ nous avous comencez devant ore feusons appellez maintenant ou tenuz d'autres nos veisines q̃ Dieu ne veulle p Cowards si avant come nous purros eschiur leration p quop

tiel

tiel non enpoꝛterious car il nous fant fair un pes deux choſes ou de purſuir noſtre droit ꝑ foꝛt main & aſſaut ou de leſſer hountenſement. Et Seigneurs & Sires toutes voies vous ne Durez mye aretter ſur la perſone du Roy noſtre Seigneur q̄ ceſtes impoꝛtables charges de les guerres avantditz ſoient ꝑ luy introduitz, ou ꝑ ſinguleritie de luy comencez devant ſon temps combien ſachez & Auri avant la honourable Coꝛone d'Angleterre luy eſt deſtenduz ꝑ Succeſſion de droit heritage auxy avant luy ont eſchuiz avec l'honour & pꝛofit de la Coꝛone les chargeantz guerres & Querreles dycelles davant ſon temps comencez come dit eſt.

Item une autre cauſe de la Somons de ceſt Parliament eſt tiel Ceſtaſſavoir D'oꝛdeigner q̄ ſalve gard de la Paix deins le Royalme & l'Obeiſance due a noſtre Seignour le Roy de touts ſes Subjeas ſoit mieltz faitz & gardez q̄ ce n'adeſtre fait devant ceſt heure, car le diſobeizance & Rebellion q̄ home ad fait devant oꝛe & q̄ ſont continuez de jour en

autre

autre envers les Petits Ministers du Roy, come Viscountz, Escheatours & les Coillours de les Subsidies & autres tielz estoient sours & cause principale del Traiturous Insurrecion n'adgairs fait p la Comen Dengleterre deins meisme le Roialme la quiel primerment estoit rebellion as dits petitz Ministers, & puis as grantes Officers del Roialme & al drain au Roy meismes combien les avez. Et si avant come Rebellion si estoit & est le sours & comencement de mischeif & Trouboil deins le Roialme si est arremain verroie obeizance au Roy & ses Ministers foundement de tut paix & quiete en meisme le Roialme sicome clearment appiert p l'Obeizance q̄ les Gentiles fierent au Roy en dit insurrecion & p̄ ceste causes devant ditz. Et p̄ purveyances des remedies besoignables en celle partie & auxint p̄ Ordinance faire p̄ le salve gard des Terres & Seigniories nostre dit Seigniour le Roy eybien de ceo come de la, & p̄ Remedy fair & purvoier a touts les leiges le Roy en ceo Parlement s'ils ou

aſcun

ascun dieux lour vorront complendire de chose qꝫ ne poit estre remediez forsque en Parlement ad nostre dit Seigneur le Roy fait sumondre ce present Parlement. Et sil ad auxint ordeignez certains Prelatz, Seigneurs & Justices, Triours, & certain Clerks de sa Chancellerie Receivours des Petitions come vorra bailer avant en ceo Parlement ꝑ mannire come errez lire ꝑ le Cleric. de Parlement en escript qꝫ sensuit de mot a mot.

Nota

Resceivours des Petitions Dengleterre, Ireland, Gales, & Escoce.

Sire John de Waltham.
Sire Richard Ravenser.
Sire Thomas Newenham.
Sire John de Freton.

Resceivours des Petitions de Gascoigne, *& d'autres Terres & Pais deper de la.*

Sire Piers de Barton.
Sire John Bouland.
Sire Robert Muskham.
Sire John Scarle.

Et

Et ceux que veullent bailler
lours Billes les baillent avant
p entrecp, & la feſte de Touſeintz
prochein venantz pceil meſme
jour accompte.

Et ſont aſſigner Triours des
Petitions Dengleterre, Irlande,
Gales, & Eſcoce.

Le Roy de Caſtill, *de* Leon, *Due de* Laneaſter.

L'Archeveſque de Canterbrie.

L'Eveſque de Londres.

L'Eveſque de Wynceſtre.

L'Eveſque de Elye.

L'Eveſque de Salisbrie.

L'Abbe de Saint Auguſtine *de* Canterbrie.

L'Abbe de Waltham.

Le Count de Kent, *Marſhall* Dengleterre.

Le Count de Arundell.

Le Count de Warr'.

Le Count de Northumbr'.

Le Seigneur de Nevill.

Mounſ. Richard de Scroope.

Mounſ. Guy de Bryen.

Mounſ. Robert Triſilian.

Mounſ. Robert Belknapp.

Toutz

Toutz ensemble ou 6 des Prelatz & Seigniorz avantditz au meins appellez a eux Chancellier, Treasurer, Seneschal & Chamberleyne, & ap les Sergeantz nostre Seignior le Roy, quant il busoignera & tendront lour place en le Chambre de Chamberleyn apres de la Chambre de Peint.

Et sont assignez Triours des Petitions de Gascoigne, & d'autres Terres & Pais de la mere & les Jues.

L'Eveſque de Nichole.
L'Eveſque de Norwiz.
L'Eveſque de St. David.
L'Eveſque de Exceſtre.
L'Eveſque de Hereford.
L'Abbe de Weſtm.
L'Abbe de Glaſtingbrie.
Le Count de Cantebruy.
Le Count de Buck. *Coneſtable* Dengleterre.
Le Count de Stafford.
Le Count de Salisbrie.
Le Seignior Fitzwater.

Le Prior de St. Johan Jerusalem *en* Engleterre.
Mouns. Johan de Cobham *de* Kent.
Mouns. William Skipwith.
Mouns. Roger Fulthorp.
Mouns. David Hannemer.

Touz ensemble ou quatre des Prelatz & Seigniorz avantditz, appellez a eux Chanceller, Treasurer, Seneschall, Chamberleyn, & les Serjeants le Roy, quant il busoignera, & tendront lour place en la Chambre Marcolf.

Et la dite Cedule lue en dite Parlement mesme le Chanceller parlast autrefoitz. Et dit Seigniors & Sires cy presentz, qui avez la summonce de cest Parlement, le Roy vous comande sur le paine qu'appeint, & aiantz due consideration a les necessaires matires a vous ore monstrez, & a les importables mischeifes apparantz, & auxint a la grant necessitée que le Roi ad ore de thresor, & d'avoir pur remedier pcelles mischeifes qu'eux sans grant fuilson d'avoir ne poent jamais estre remediez vous Messieurs les Prelatz & Segi-

Nota.

Seigniorz Tempozelr, per vous meſmes & vous Seigniors de la Comune, per vos meſmes veulliez Comuner diligeaument ſur ceſt matires, & des remedyes buſoignables a tout le haſte que vouz purrez ouſtant de tout le Communement d'autre matire collaterale quelconque en le moien temps, & vos adviſent pꝛis repoꝛter de temps en temps au Roy noſtre Seigneur, ou fyu q̄ les matires neceſſaires touches & a toucherez ſoient a bone deliberation Examinez, Tretez & Exploitez, & toute autre impertinent matire mps aderere p̄ le temps: Et le Parlement p̄ tant myſe a gratiouſe & bone fine, que Dieu grant. Et le Roy vouz comande treſtouz, que vous retournez de jour en autre pur treter & fair ce p̄ quoy vous eſtes venuz, dont vous avez maintenant voſtre charge ſans departer de ceſt Parlement p̄ voie quelconq̄ ſi eins ne ſoit que vous ent averez eſpeciale congie de noſtre dit Seignioꝛ le Roy, ſur le peril avantdit. *Nota.*

Item fait a remembꝛer, que les Seigniours & Comunes en ceſt Par-

lement assemblez, considerez les outrageouses charges que nostre Seignior le Roi poyt parmy les guerres overts de toutes partz, & autrement granterent a nostre dit Seignior le Roy une quinzisme avoir & receiver de eux p les forme & conditions en touts points compryse en un Cedule sur ce fait endentée & liverée avant en Parlement par mesmes les Comunes, & nempe en autre maniere par voie quelconque, & pria la dite Comune p especiale a nostre dit Seigneur le Roy, que la dite Cedule quele ils ont fait come celle que pleinmrnt contient la maniere de lour grant dont mesme la Comune p fist plein declaration p bouche devant nostre dit Seignior le Roy en plein Parlement, fi fuist entrée en Rolle de Parlement de mot a mot, & en null autre maniere p ascun voie que le request lour estoit oaroiez de quel Cedule illint leverée le tenure sensuit de mot a mot.

38. *Anno* 28 *E.* 1. A *Truce* being concluded *between* the *Engliſh* and *French*, by King *Edward's* Ambaſſadors, who therein had *diſhonourably* agreed to include the *Scots*; the *Ambaſſadors*, at the enſuing *Parliament*, were ſharply *rebuked* and *corrected*, not only by the *King* himſelf, the *Prelates*, and *Nobles*, but by the *Commons*; But to take away exceptions, let the *Record* ſpeak.

Anno 28 *E.* 1. A Truce between *England* and *France*.

Treugæ *initæ inter* Angliæ & Franciæ *Reges per eorum* procuratores & Nuncios, *Anno gratiæ* 1031. *pro quibus dicti* Nuncii *Regis* Angliæ Reprehenſi *fuerunt non ſolum per ipſum* Regem & Prælatos & Nobiles, *ſed etiam* Communitatem *Regni prædicti*; *pro eo quod promiſerunt* Regem & Gentes Scotiæ *includi in* Treugis *ex parte* Francorum *Regis*, *ex parte confederationis prius initæ inter* Francorum & Scotorum *Reges prædictos*.

Ex Rot 29 *E.* 1 in Turri *Lond.*

The Kings, Lords, and Commons, reprehend the *Ambaſſadors*.

De Treuga per Regem *Angliæ* illis de *Franc.* conceſſa. Rot. Pat. 12 E. 3. pars 1. m. 24.

89. *Anno* 12 *E.* 2, A *War* being between *England* and *France*, the *Pope* ſent two *Cardinals* to conclude a *Truce* between the two Crowns; Whereupon *King Edward* declares, *Nos pro eo quod* Prælatis & Proceribus *ac* Magnatibus *Regni noſtri necnon* Confederatis *noſtris quorum* intereſt inconſultis *dicte* Treugæ *tunc* aſſentire *non* poteramus *Parliamentum noſtrum apud* weſtmonaſt. *in Craſtino purificationis beate* Mariæ *Virginis ultimo preterito mandaverimus convocari ut tam ipſorum* Prælatorum & Procerum, *ac* Communitatum *dicti Regni noſtri quam* Confederatorum *noſtrorum prædictorum habere* poſſemus *deliberationem quid* agendum *foret* conſultius *in hac parte*, &c. And afterwards, the Record ſays,

Nota.

Nos habita *in dicto* Parliamento *cum* Prælatis & Proceribus *ac* Communitatibus *Regni noſtri prædictis necnon cum* Nunciis *ad nos*

Nota.

de

de dictis confederatis nostris accedentibus super hiis deliberatione *pleniori licet consideratis qualitate temporis jam currentis & facti circumstantiis* nobis & ipsis *visum fuerit* periculosum *fore multipliciter &* dampnosum *aliquam* cessationem *seu* dilationem *ulterius concedere*, &c.

Had we had left us the Parliament Rolls of *H.* 3. *E.* 1. *E* 2. and some in *E.* 3. which are destroyed or lost, Truth (to which all owe a submission) would have more plainly appear'd.

A QUERE *touching the Parliament of* Scotland.

WHat the Constituent parts of the *Commune Consilium* or Parliament of *Scotland*, was in the time of our King *E.* 1. near 400 years since, (and why not the same before) is (amongst other Authorities) proved as I conceive by a grand *Record*

Rot. de Anno 29 *E.* 1. in Tur. *London.*

in the *Tower* of *London*, which declares that the *League* between the *Scotch* and *French*, was ratified and confirmed.

Inter ipſum Francorum Regem ex una parte & dictum Dominum *Johannem de Balliolo* ac *Prealatas & Nobiles ac* Univerſitates & Communitates Civitatum & Villarum *dicti Regni* Scotiæ *pro* ipſis *& eorum* Hæredibus & Succeſſoribus *ex altera. Et etiam ad includendum dictum Dominum* Johannem *& cæteros omnes terræ* Scotiæ *predictos in* Treugis *inter dictos* Angliæ & Franciæ *Reges initis pro ipſis & eorum* Heredibus *ſubditis & confederatis ad fines infraſcriptos.*

A *Query* may ariſe from this *Record*, If the Tenants *in capite* only, compounded and made the *Parliament* of that Kingdom in former Ages, as ſome hold. The *Query* is this.

The Query. Whether all Prelates, Noblemen, Univerſities and Communities

ties of Cities and Towns of *Scotland*, *held* of the *Scotiſh* King *in capite*, *Tempore* E. 1.

For if they *held* of any other, or of him otherwiſe then *in capite*,

How could the Tenants *in capite* be the only Members of the *Parliament*, according to the *exact* Enumeration of the *conſtituent* Parts mentioned and ſet down in this great *Record*, which tells us, that the *League* was *made*

1. On the one part between the *King* of *France*;

2. On the other *part* between,

1. *John Ballial*, who was then *King*,

2. The Prelates,

3. The Nobles,

4. The Univerſities and Communities of the Cities and Towns of the Kingdom of *Scotland*,

5. And that for *themſelves*,

6. And for their Heirs and Succeſſors.

Nobilitas eſt duplex, Superior & inferior. Co. 2. Inſt. fo. 583. *Nobiles minore ſunt Equites ſive Milites, & qui vulgo generoſi & Gentlemen dicuntur.* Camden Brit. f. 123.

The

The late proceedings touching *Ship-money* declared unlawful, and all Records and Proceſs concerning the ſame made void.

An. 17 Car. 1. cap. 14. Pultons Stat.

WHereas divers Writs of late time, iſſued under the Great Seal of England, commonly called *Ship-writs*, for the charging of the Port-Towns, Cities, Boroughs and Counties of this Realm, reſpectively, to provide and furniſh certain Ships for His Majeſties Service. And whereas upon the Execution of the ſame Writs, and returns of Certioraries thereupon made, and the ſending of the ſame by Mittimus into the Court of Exchequer, Proceſs hath been thence made againſt ſundry Perſons pretended to be charged by way of Contribution, for the making up of certain Sums aſſeſſed for the providing of the ſaid Ships; And in eſpecial, in Eaſter-Term, in the thirteenth Year of the Reign of our Sovereign Lord the King that now is, a Writ of Scire facias was awarded out of the Court of Exchequer, to the then Sheriff of Buckinghamſhire, againſt John Hampden

Hampden Esq; to appear, and shew cause why he would not be charged with a certain Sum so assessed upon him.

Upon whose Appearance and demurrer to the Proceedings therein, the Barons of the Exchequer adjourned the same Case in the Exchequer-Chamber, where it was solemnly argued divers days, and at length it was there agreed, by the greater part of all Justices of the Courts of Kings-Bench and Common-Pleas, and of the Barons of the Exchequer, there assembled, that the said John Hampden should be charged with the said Sum, so aforesaid assessed on him. The main grounds and reasons of the said Justices and Barons so agreed, being,

That when the good and safety of the Kingdom in general is concern'd and the whole Kingdom in danger, *Rex* Angliæ *neque per se aut Ministros suos* subsidia *aut alia quævis* onera *imponit ligeis suis sine* assensu *totius* Regni *sui in* Parliamento *suo expresso.* Fortescue de laudibus Legum Angliæ, cap. 36. pag. 84. Philip de Commines, *lib. 5. cap.* 18. (of the Cabal, or most Secret Councels to two *French* Kings, and a man living about a Century and half ago) tells us, *Nul Roy ne Seigneur sur terre ait pouvoir de mettre un denier sur les Subjets sans ottroie & consentement de ceux qui doivent payer sinon par Tyranne ou Violence.* No King or Potentate upon Earth (saith he), hath power to levy one penny upon the poor Subject without consent and permission, unless by down-right Tyranny and Rapine.

then

then the King might by writ under the Great Seal of *England*, command all the Subjects of this his Kingdom, at their charge to provide and furnish such manner of Ships with Men, Victuals and Munition and for such time as the King should think fit, for the defence and safe-guard of the Kingdom from such Danger and Peril; and that by Law the King might compel the doing thereof, in case of refusal or refractorinesse; and that the King is the sole Judge both of the Danger, and when and how the same is to be prevented and avoided.

According to which grounds and reasons, all the Justices of Kings-bench and Common-Pleas, and the said Barons of the Exchequer, having been formerly consulted with, by His Majesties Command, had set their hands to an extrajudicial Opinion, expressed to the same purpose, which Opinion, with their Names thereunto, was also by His Majesties Command, inrolled in the Courts of Chancery, Kings-Bench, Common-Pleas and Exchequer, and likewise entered among the Remembrances of the Court of Star-Chamber; And according to the said agreement of the said Justices and Barons

rons Judgment was given by the Barons of the Exchequer, That the said John Hampden should be charged with the said Sum so assessed on him; And whereas some other Actions and Proceſs depend, and have depended in the said Court of Exchequer, and in some other Courts against other persons, for the like kind of Charge grounded upon the said Writs commonly called Ship-Writs, All which Writs and Proceedings as aforesaid, were utterly against the Law of the Land. *Nota.*

Be it therefore Declared and Enacted by the Kings most Excellent Majesty and the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That the said Charge imposed upon the Subjects, for the providing of Ships, commonly

John Bodin in his Book *de Republica*, *l.* 1. *cap.* 8. *de jure Magistratus*, *fol.* 96. A famous *Lawyer* and Statesman of the *French* Nation, who after he had informed his Reader, that the *English* are not chargeable by their Princes with Impositions, but by consent of their three Estates, presently adds, *Ego vero cæteris Regibus non plus in eo genere quam Regibus Anglorum licere puto, cum nemo sit tam improbus Tyrannus, qui aliena bona deripere sibi fas esse putet.* For my part (saith he) it is my Judgment, that no other Prince whatsoever, may lawfully do any more in this kind than the *Kings* of *England* may, seeing there can be no Tyrant so wicked or impudent as to think, he may justly take away another mans Goods from him, without his free leave and good will.

called

called Ship-money, and the said extra-judicial Opinion of the said Justices and Barons, and the said Writs, and every of them, and the said Agreement or Opinion of the greater part of the said Justices and Barons, and the said Judgement given against the said *John Hampden*, were, and are contrary to, and against the Laws and Statutes of this Realm, the right of Propeety, the Liberty of the Subjects, former Resolutions in Parliamrnt, and the Petition of Right made in the the third year of the Reign of His Majesty that now is.

And it is further Declared and Enacted by the Authority aforesaid, That all and every the particulars prayed or desired in the said Petition of Right, shall from henceforth be put in Execution accordingly, and shall be firmly and strictly holden and observed, as in the same Petition they are prayed and expressed; And that all and every the Records and Remembrances of all and every the Judgments, Inrollments, Entry and Proceedings as aforesaid, and and every the Proceedings whatsoever upon, or by pretext or colour of any of the said Writs, commonly called Ship-Writs, and all and every the Dependents on any of them, shall be deemed

deemed and adjudged, to all Intents, Conſtructions and Purpoſes, to be utterly void and diſanulled, and that all and every the ſaid Judgment, Inrollments, Entries, Proceedings and Dependents of what kind ſoever, ſhall be vacated and cancelled, in ſuch Manner and Form as Records uſe to be that are vacated.

FINIS.

By reaſon of the haſt and throng of the Preſs, the *Reader* is deſired to correct theſe

Errata in the Book.

pa. 85. ommons r. *Commons*, pa. 119. in Mar. for Witneſſes r. *Members*, pa. 137. for §. 4 r. §. 5. p. 185. in Mar. for Sir Cooke r. *Sir Edward Cooke.*

Errata in the Appendix.

pa. 3. l. 19. proditoriæ r. *proditorie*, n. 29. in Mar. H 5 r. *H. 6.* n. 35. the next p. l. 15. Archeipis r. *Archiepo*, l. 19. Univerſitatis r. *Univerſitas*, p. 29. l. 4. for five r. *fine*, l. 13. prædica viſtis r. *prædicaviſtis*, p. 30. l. 15. tacites r. *tacite.*

The Antient Right *of the Commons of* England *Asserted, or, a* Discourse *proving by* Records *and the best* Historians, *that the* Commons *of* England *were ever an* Essential Part *of* Parliament.

By William Petyt *of the* Inner-Temple, *Esq;*

JANI ANGLORUM Facies Nova: *Or, Several Monuments of Antiquity touching the* Great Councils *of the Kingdom, and the Court of Kings immediate Tenants and Officers from the first of* William *the first, to the forty ninth of* Henry *the Third,* Reviv'd *and* Clear'd.

Wherein, The sense of the Common-Council of the Kingdom mentioned in King John's *Charter; and of the* Laws *Ecclesiastical, or Civil, concerning* Clergy-men's *Voting in* Capital Cases *is submitted to the Judgment of the Learned.*